

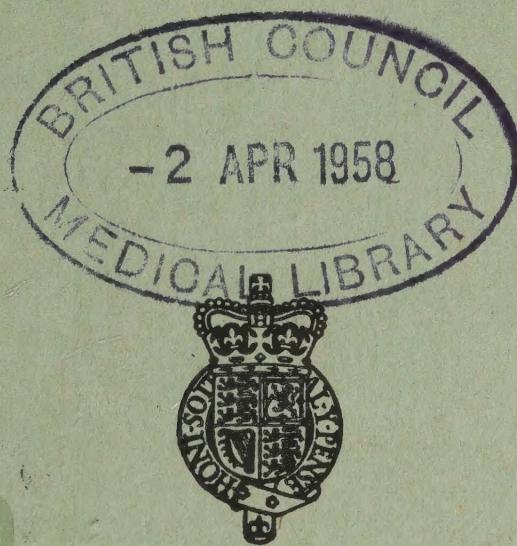
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MINISTRY OF POWER

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MINES AND QUARRIES ACT, 1954

The Law relating to Safety and Health

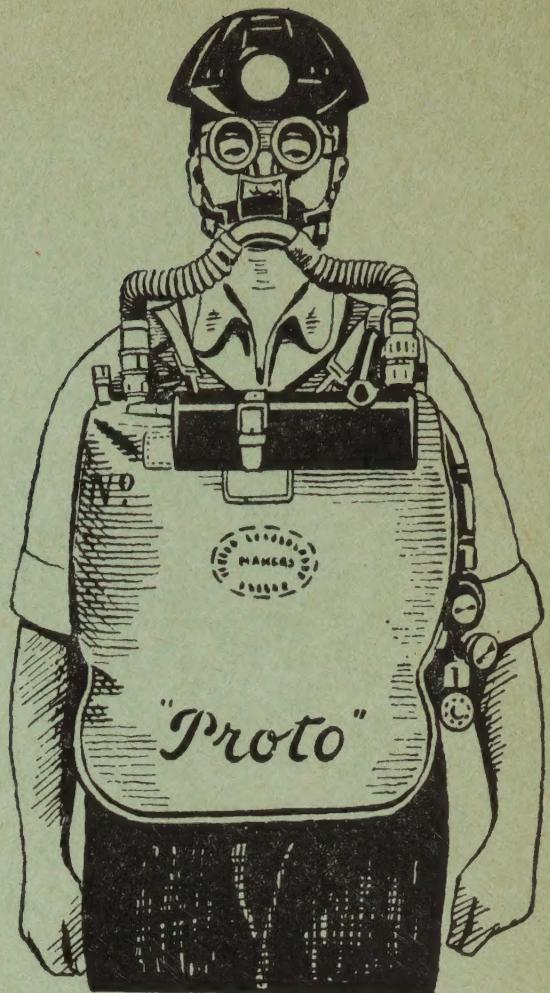
VOLUME III
MISCELLANEOUS MINES

1957



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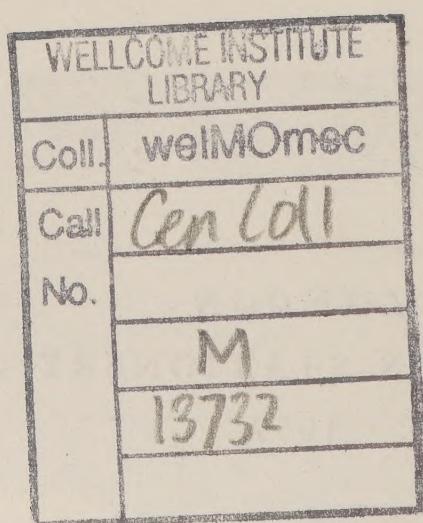
MINES AND QUARRIES ACT, 1954

The Law relating to
Safety and Health

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INTRODUCTION

1. This volume contains all the statutory provisions of general application relating to safety and health at *mines other than of coal, stratified ironstone, shale or fireclay** under the Mines and Quarries Act, 1954, which came into operation with the Act itself on 1st January, 1957, because either the Act continued them in force, or they were made so as to have effect on that date. There are companion volumes for other mines and for quarries, as follows:

Volume I—Mines of coal;

Volume II—Mines of stratified ironstone, shale and fireclay; and

Volume IV—Quarries.

2. The relevant extracts from the Act are in Part A of this volume, and those from the general regulations and other general orders are in Part B. Where matter has been omitted because it does not apply to miscellaneous mines the omissions, whether they consist of whole provisions or only of certain words, are indicated thus . . .

3. The Minister of Fuel and Power (Change of Style and Title) Order, 1957 (S.I. 1957, No. 48) provided that, from 16th January, 1957, the style and title of the Minister of Fuel and Power be changed to "the Minister of Power" and that this change should be made in all instruments, contracts and legal proceedings made or commenced before the coming into operation of the Order. The necessary amendment has therefore been made to references to the Minister of Fuel and Power in this volume.

4. Attention is drawn to the fact that all the provisions relating to a particular matter are not necessarily in one place. In order to indicate the link between certain provisions of the Act or between provisions of the Act and provisions of regulations or orders made under the Act, and *vice versa*, a number of footnotes have been added. There are also footnotes referring to certain words and phrases which are defined for the purposes of the provisions. Such references do not appear where, although defined, a word or phrase is used in its normally accepted meaning or where it appears so frequently (e.g., in the case of "contravention"), that the value of the footnotes in general would be lost if the references were repeated on each occasion.

5. For these reasons it must be emphasised that the statutory provisions have been extracted in this volume purely for the convenience of its users. It must not be used in circumstances in which it is necessary to consult the full provisions.

6. Section 190 of the 1954 Act empowers the Minister to re-enact by order (to the extent to which they could, by virtue of the Act, be enacted in regulations made under Section 141) provisions of general regulations having effect by virtue of Section 86 of the Coal Mines Act, 1911, and of any enactment repealed by the 1954 Act in so far as that enactment is not re-enacted in the 1954 Act, subject to such modifications (if any) as appear to him to be consequential on the passing

* Also referred to as "miscellaneous mines".

of the Act or requisite for certain purposes defined in the Section. The re-enactments made by any particular order are required to be set out in a schedule to the order.

Part B contains the re-enacted provisions of the Metalliferous Mines Regulation Act, 1872, and of the Metalliferous Mines General Regulations, 1938, which apply as if they were regulations made under Section 141. The orders themselves are mainly concerned with the procedure under which the regulations scheduled to them have been made, and they are in common form. For these reasons they have not been reproduced in full, but only to the extent necessary to show which exemptions, etc., remain in force for the purposes of the regulations. Part B also contains those new orders and rules, applicable to miscellaneous mines, which came into operation at the commencement of the Act.

7. Section 191 (2) of the Act provides that any special rule established under an enactment repealed by the Act, which was in force at the commencement of the Act and could have been made as a regulation under the Act, shall have effect as if it had been a regulation (i.e., a "special regulation") so made. It would, of course, be impracticable in a volume of this kind to reproduce even those codes of special rules which are of general application. But attention is drawn to the fact that they are still in force and that they form part of the law relating to a particular mine.

8. Where a statutory provision requires that a report or other information shall be recorded in a form directed or specified by the Minister, a reference is given to the appropriate M. & Q. Form, and there is a complete list of such forms in Appendix 4. Authority has been given to enable stocks of forms prescribed under repealed provisions so far as practicable, to be used up. In the references the number of the new form is given first and, if an existing form is still current, it is followed by the number of that form in brackets.

MINISTRY OF POWER,
THAMES HOUSE SOUTH, MILLBANK, LONDON, S.W.1.
September, 1957.

PART A

EXTRACTS FROM THE MINES AND QUARRIES ACT, 1954 APPLICABLE TO MINES OTHER THAN OF COAL, STRATIFIED IRONSTONE, SHALE OR FIRECLAY

(NOTE: *It is important to read Paragraphs 2, 4 and 5 of the Introduction to this volume before studying the extracts from the Act*)

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* * * *

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An Act to make fresh provision with respect to the management and control of mines and quarries and for securing the safety, health and welfare of persons employed thereat; to regulate the employment thereat of women and young persons; to require the fencing of abandoned and disused mines and of quarries; and for purposes connected with the matters aforesaid.

(25th November, 1954)

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I

GENERAL DUTIES OF MINE . . . OWNERS

1. (1) It shall be the duty of the owner of every mine . . . to make such financial and other provision and take such other steps as may be necessary to secure—

- (a) that the mine . . . is managed and worked in accordance with the provisions in that behalf of this Act, orders made thereunder and regulations and is so planned and laid out as to enable that purpose to be readily secured; and
- (b) that all other provisions of this Act, orders made thereunder and regulations and all requirements imposed under this Act, orders made thereunder and regulations are, so far as applicable to the mine . . . , duly complied with;

and, in particular, but without prejudice to the generality of the foregoing words, to give, to any person appointed by him for the purpose of securing the fulfilment, in relation to the mine . . . , of statutory responsibilities of his with respect to any matters, written instructions defining the matters with respect to which that person is charged with securing the fulfilment of those responsibilities.

(2) Forthwith after the giving by the owner of a mine . . . , to a person appointed by him for the purpose aforesaid, of such instructions as aforesaid, the owner shall send a copy of the instructions to the inspector for the district and to the manager of the mine

PART II

MANAGEMENT AND CONTROL

Managers and Under-managers

2. (1) Subject to the following provisions of this Act, no mine shall be worked unless there is a sole manager of the mine, being an individual duly appointed and having such qualifications (if any) as are required by or by virtue of the said provisions.

(2) The manager of a mine shall have the management and control of the mine, exercisable subject to any instructions given to him by or on behalf of the owner thereof, and shall also—

- (a) have the duty of securing the discharge by all others of obligations imposed on them with respect to the mine by or by virtue of the following provisions of this Act; and
- (b) have such duties with respect to the appointment of persons to carry out inspections of the mine and to be in charge of, or to supervise or conduct, operations thereat, and such other duties, and such powers as are imposed or conferred on him by or by virtue of the following provisions of this Act.

(3) The manager of a mine shall be appointed by the owner thereof who, if an individual, may appoint himself subject, in the case of a mine whereof the manager is by or by virtue of the following provisions of this Act required to hold qualifications for his office* to the possession by the owner of those qualifications.

3. (1) Any instructions given to the manager of a mine by or on behalf of the owner thereof, being instructions affecting the fulfilment, in relation to the mine, by the manager of statutory responsibilities of his, shall, so far as they are not written, be confirmed in writing by the person by whom they were given forthwith after the making of a request in that behalf by the manager.

(2) Except in a case of emergency, neither the owner of a mine nor a person acting on his behalf shall, except with the consent of the manager of the mine, give, otherwise than through the manager, any instructions to a person employed at the mine who is responsible to the manager; and where the owner of a mine or a person acting on his behalf gives, in either of the said excepted cases, instructions which, apart from the exception, would be required to be given through the manager of the mine, the person who gave the instructions shall, forthwith after he has given them, inform the manager of the substance thereof and, if requested so to do by the manager, confirm them in writing forthwith after the making of the request.

The foregoing provisions of this subsection shall not apply to any instructions given by an under-manager of a mine or a person appointed by the manager of a mine in pursuance of this Act or regulations.

(3) Where, in the case of a mine whereof the manager is by or by virtue of the following provisions† of this Act required to hold qualifications for his office instructions are given by or on behalf of the owner of the mine to the manager of the mine, an under-manager thereof or a person appointed by the manager in pursuance of this Act or regulations, then, if the manager is of opinion that the execution of the instructions would or might be likely to prejudice the safety or health of the persons employed at the mine (or any of them) or to impede him in the discharge, in relation to the mine, of any duty imposed on him by or by virtue of this Act, he may,—

- (a) in a case where the instructions are given to him, decline to execute them until they are confirmed in writing by a person qualified for appointment as manager of the mine who is authorised in writing by the owner of the mine to confirm instructions given as aforesaid;

* See Section 4 (4).

† See Section 4 (4). No regulations under this Section have yet been made, and in the meantime subsections (3) and (4) of Section 3 do not apply to any mines to which this volume relates.

(b) in any other case, direct that the instructions be not executed until they are so confirmed by such a person;

The foregoing provisions of this subsection shall not apply to instructions given by an owner of a mine who is an individual or by such a person as is mentioned in paragraph (a) of this subsection.

(4) Where, in the case of such a mine as is mentioned in the last foregoing subsection, instructions are given and confirmed as therein mentioned, the document by which they are confirmed shall be preserved by the manager of the mine, and a copy of that document shall be preserved by the owner of the mine, in each case for three years after the instructions cease to be operative.

4. (1) . . .

(2) . . .

(3) . . .

(4) Regulations* may direct, or empower an inspector to direct, that no person shall be qualified to be appointed or to be the manager of a mine other than of coal, stratified ironstone, shale or fireclay unless he satisfies such conditions as may be prescribed.

5. (1) No person shall, without the approval of an inspector, be manager of more than one mine unless—

(a) the total number of persons employed at all the mines of which he is manager does not exceed one thousand; and

(b) the surface entrances to all the shafts and outlets for the time being in use at all such mines lie within a circle whose radius is two miles.

(2) Where a person is manager of two or more mines and it appears to an inspector that by reason thereof the fulfilment, in relation to those mines or any of them, by that person of statutory responsibilities of his is prejudiced, the inspector may serve on the owner of each of the mines of which the first-mentioned person is manager a notice directing that the person who is the manager of such of those mines as may be specified in the notice shall not also be the manager of the others or of such of them as may be so specified.

6. (1) For any mine there may be one or more under-managers and (subject to the following provisions of this section and to the following provisions of this Act) in the case of—

(a) . . .

(b) a mine . . . , being a mine with respect to which there is for the time being in force a direction, given by an inspector by notice served on the owner of the mine, that, on the ground of the size or condition of the mine or the system of working it being such as, in the opinion of the inspector, to render it inexpedient that it should be worked unless there is at least one under-manager, this paragraph shall apply to the mine;

the mine shall not be worked unless there is at least one under-manager.

* No general regulations for this purpose have yet been made.

(2) . . .

(3) The jurisdiction of an under-manager of a mine may be limited to part of the mine, but a mine the working whereof is unlawful unless there is at least one under-manager* shall not be worked unless every part thereof below ground is within the jurisdiction of the under-manager or (where there are two or more under-managers) some one of them.

(4) It shall be the duty of an under-manager of a mine, to the extent of his jurisdiction thereover, to supervise all operations carried on thereat and, to the best of his ability, to execute and enforce with respect to the mine the provisions of this Act, orders made thereunder and regulations.

(5) . . . provision may be made by regulations† for requiring that no mine . . . shall be worked so long as a person is under-manager thereof who does not satisfy such conditions as may be prescribed.

(6) An under-manager of a mine shall be appointed by the owner thereof.

7. (1) Where, by reason of death, resignation or other cause, a vacancy occurs in the office of manager of a mine, nothing in section two of this Act shall prevent the mine being worked at any time during a period not exceeding seventy-two days (or such longer period as an inspector may allow) until the vacancy is filled, if at that time there is a person appointed by the owner of the mine to exercise the powers and perform the duties of manager of the mine during a vacancy in the office, being a person who, at that time, is or could be an under-manager of the mine without the working of the mine thereby being rendered unlawful by or by virtue of subsection (5) of the last foregoing section.

(2) Where, in the case of a mine the working whereof is unlawful unless there is at least one under-manager, a sole or last surviving under-manager dies, resigns or otherwise ceases to hold office, nothing in the last foregoing section shall prevent the mine being worked at any time during a period not exceeding seventy-two days (or such longer period as an inspector may allow) until the vacancy is filled, if at that time there is a person appointed by the owner of the mine to perform the duties of under-manager thereof in the event of a sole or last surviving under-manager ceasing to hold office, being a person who at that time either could be an under-manager of the mine without the working of the mine thereby being rendered unlawful by or by virtue of subsection (5) of the last foregoing section or has such other qualifications‡ as may be prescribed and has within his jurisdiction every part of the mine below ground.

(3) A person appointed by the owner of a mine as mentioned in subsection (1) or (2) of this section shall, so far as regards any period during which he acts in exercise of his appointment, be treated for the purposes of this Act, orders made thereunder and regulations in all respects as if he were the manager of the mine to which the appointment relates or, as the case may be, an under-manager thereof.

* i.e. if so directed by an inspector under Section 6 (1) (b).

† No regulations for this purpose have yet been made.

‡ No qualifications for this purpose have yet been prescribed.

8. (1) No mine shall be worked unless daily personal supervision thereover is exercised by the manager thereof or, during any period during which he is absent on leave or is prevented from exercising such supervision by sickness or other cause beyond his control, by a person appointed by the owner of the mine to exercise such supervision during any such period, being a person who is or could be an under-manager of the mine without the working of the mine thereby being rendered unlawful by or by virtue of subsection (5) of section six of this Act:

Provided that the foregoing provisions of this subsection shall not authorise the working of a mine by virtue of the exercise of daily personal supervision by a person other than the manager thereof for any period exceeding seventy-two days (or such longer period as an inspector may allow).

(2) No such mine as is mentioned in paragraph . . . (b) of subsection (1) of section six* of this Act . . . shall be worked unless daily personal supervision is exercised by each under-manager thereof or, during any period during which he is absent on leave or is prevented from exercising such supervision by sickness or other cause beyond his control, by a person appointed by the owner of the mine to exercise such supervision during any such period, being a person who either is or could be an under-manager of the mine without the working of the mine thereby being rendered unlawful by or by virtue of subsection (5) of section six of this Act or has such other qualifications† as may be prescribed.

(3) A person appointed as mentioned in subsection (1) or (2) of this section shall, so far as regards any period during which he acts in exercise of his appointment, be treated for the purposes of this Act, orders made thereunder and regulations in all respects as if he were the manager of the mine to which the appointment relates or, as the case may be, the under-manager thereof in whose place he is acting, so, however, that nothing in the foregoing provisions of this subsection shall be construed as divesting the manager or an under-manager of a mine of any power, or relieving him from any duty or liability, conferred or imposed on him by or by virtue of this Act.

9. No mine shall be worked at a time when neither the manager of the mine, nor an under-manager thereof nor a person acting in exercise of an appointment made for the purpose of any of the provisions of the two last foregoing sections is present at the mine unless the mine is in the charge of a competent person appointed by the manager and having such qualifications† (if any) as may be prescribed:

Provided that nothing in the foregoing provisions of this section shall prevent the working of a mine at a time when no persons are employed thereat below ground.

10. It shall be the duty of the manager of every mine, with respect to each report, record or other item of information which, in pursuance of this Act or regulations, is entered in a book which by or by virtue of this Act is required to be provided for that purpose by the owner of the mine, either to read it himself forthwith or to secure that it is read forthwith by some other competent person

* See note on page 11.

† No qualifications for this purpose have yet been prescribed.

and that there is promptly brought to his notice any matter disclosed by the report, record or other item of information which either is of an abnormal or unusual nature as regards the mine or, not being of such a nature, is of a kind which will or may necessitate the taking of any steps by the manager or any other person.

Surveyors

11. (1) No mine shall be worked unless there is a surveyor for the mine appointed by the owner thereof and having such qualifications* (if any) as may be described:

Provided that where by reason of death, resignation or other cause, a vacancy occurs in the office of surveyor for a mine, the foregoing provisions of this subsection shall not prevent the working of the mine for a period not exceeding twenty-eight days (or such longer period as an inspector may allow) until the vacancy is filled.

(2) The surveyor for a mine shall have such responsibilities with respect to the preparation of, and otherwise in relation to, plans and other documents required by virtue of the following provisions† of this Act to be kept in relation to the mine, and such other responsibilities, as may be imposed on him by virtue of those provisions.†

Officials and Technicians‡

12. (1) Provision may be made by regulations—

(a) for imposing, in relation to a mine, such requirements with respect to the carrying out, by competent persons appointed for the purpose by the manager of the mine and having such qualifications (if any) as may be prescribed, of inspections of the mine as it may appear to the Minister requisite or expedient to impose for the purpose of securing the safety and health of the workmen employed thereat;

(b) for providing that, subject to any exceptions for which provision may be made by the regulations, the persons appointed to discharge at a mine the duties imposed by virtue of the foregoing paragraph shall have the immediate charge of the workmen employed at the mine and of the operations carried on by them thereat:

(c) for prescribing any duties to be discharged by the persons so appointed in addition to those imposed on them by virtue of the foregoing paragraphs or by or by virtue of any of the following provisions of this Act, and for requiring that, subject to any exceptions for which provision may be made by the regulations, those persons shall devote the whole of their time to the discharge of the duties prescribed by virtue of this paragraph or imposed as aforesaid; and

* No qualifications for this purpose have yet been prescribed.

† See Sections 17 to 21 of the Act, and Regulations 2 and 3 of the Miscellaneous Mines (General) Regulations, 1956, page 99.

‡ No new general regulations have yet been made *under this subsection*, but in the meantime the provisions of Part III of the Miscellaneous Mines (General) Regulations, 1956, (page 100) apply.

(d) for requiring or authorising the delimitation in a mine of districts for the purpose of the discharge by the persons so appointed of their duties, for requiring that where, in a mine, districts are delimited for that purpose no one of those persons shall have charge of more than one district and for relating to each district the duties of the person in charge of it;

and it shall be the duty of the manager of a mine in relation to which requirements are imposed by virtue of paragraph (a) of this subsection to secure that the number of persons appointed for the purpose of fulfilling those requirements is sufficient to secure the efficient discharge of the duties imposed on those persons;

(2) Regulations having effect by virtue of the foregoing subsection shall be so framed as, in the opinion of the Minister, to secure that, in the discharge, by persons appointed for the purpose of fulfilling, in relation to a mine, requirements imposed by virtue of paragraph (a) of that subsection, of duties prescribed by virtue of the other provisions of that subsection, those persons shall give preference to the securing of the safety and health of the workmen employed at the mine over the securing of any other matter.

13. (1) It shall be the duty of the manager of every mine to appoint (in addition to any persons appointed by him in pursuance of, or of regulations having effect by virtue of, any provision of this Act other than this subsection), such number of officials, engineers and technicians and other competent persons (if any) as is sufficient (taking into account activities in that behalf which are undertaken in person by the manager of the mine, by any under-manager thereof and by any persons appointed as aforesaid) to secure—

- (a) the adequate inspection of the mine and the equipment thereof;
- (b) the thorough supervision of all operations at the mine; and
- (c) the carrying on of the undertaking of the mine in conformity with the provisions of this Act, orders made thereunder and regulations.

(2) Regulations may require the manager of a mine to appoint, for the purpose of supervising, inspecting or conducting at, or in relation to, the mine, such operations or matters as may be prescribed, such officials, engineers or technicians or other competent persons as may be prescribed, and regulations made by virtue of this subsection may prescribe the qualifications to be held and the duties to be discharged by the persons thereby required to be appointed.

14. It shall be the duty of the manager of every mine to ensure to the best of his ability that every person appointed by him in pursuance of the foregoing provisions of this Act or regulations having effect by virtue of any of those provisions understands the nature and scope of any duties which fall to be performed by that person, being either duties imposed by or by virtue of this Act or duties whose performance is undertaken for the purpose of attaining any of the objects mentioned in paragraphs (a) to (c) of subsection (1) of the last foregoing section.

Provisions ancillary to foregoing Sections

15. Forthwith after the appointment by the owner of a mine of a person to be the manager or an under-manager of the mine, to exercise the powers and perform the duties of manager of the mine during a vacancy in the office, to

perform the duties of under-manager of the mine in the event of a sole or last surviving under-manager ceasing to hold office, to exercise daily personal supervision during a period during which the manager or an under-manager is absent or unable to exercise such supervision, or to be the surveyor for the mine, the owner shall give to the inspector for the district notice, in such form* as may be specified by the Minister, of the making of the appointment and of the name and address of the person appointed and giving such particulars with respect to his qualifications as may be so specified.

16. (1) Where a mine or any part thereof is worked, or any operations in a mine are carried on, by a contractor, and a person is by or by virtue of the foregoing provisions of this Act required to hold qualifications for appointment to any office in the mine mentioned in subsection (2)† of this section, neither the contractor nor a person employed by him shall be capable of being appointed to that office notwithstanding that, apart from this section, he is qualified for appointment thereto.

(2) The offices referred to in the foregoing subsection are those of manager of the mine, under-manager thereof and the office to which duties imposed by virtue of subsection (1) of section twelve of this Act are attached.

Plans

17. (1) Provision may be made by regulations‡ for requiring that, in the case of every mine, the manager thereof shall keep at the office at the mine or at such other place as may be approved by an inspector—

(a) accurate plans of—

(i) all the workings in the mine (whether abandoned or not) or such of them as may be prescribed; and

(ii) all other workings (whether abandoned or not) within the boundaries of the mine or within the prescribed distance outside any boundary of the mine (measured from any point on the boundary in a straight line on any plane) or such of those workings as may be prescribed;

(b) accurate sections of the seams or veins for the time being worked in the mine and of all the strata overlying them;

being plans or, as the case may be, sections complying with such requirements as are imposed by or by virtue of the next following subsection; and regulations‡ made by virtue of this subsection may require the keeping of separate plans for different seams or veins or for the purpose of showing the system of ventilation in the workings or any other prescribed matter and require that plans be so kept as at any time to disclose the extent of workings delineated thereon both up to a day not earlier than such previous day as may be prescribed and up to a distance from their position at that time not greater than such as may be prescribed.

* M. & Q. Form No. 201.

† None of the offices referred to are at present subject to the holding of qualifications. In the meantime, therefore, this Section does not apply to any mine to which this volume relates but it is reproduced here in case of possible future application.

‡ No new general regulations have yet been made *under this subsection*, but in the meantime the provisions of the Miscellaneous Mines (General) Regulations, 1956, No. 2, (page 99) apply.

(2) Plans and sections required to be kept by virtue of the foregoing subsection shall be of durable material and be prepared in such form and manner as may be specified by rules* made by the Minister and on a scale not less than such as may be so specified, and any such plans (other than any whereof the main purpose is to show matters other than the extent of workings) shall show the position, in relation to objects on the surface, of the workings delineated on the plans and record such information as may be so specified with respect to orientation, contours, boundaries, faults, workings other than those delineated on the plans and any such other matters (whether similar to the matters aforesaid or not) as may be so specified.

(3) If, in the case of any mine, it appears to an inspector that any information which, by virtue of the foregoing provisions of this section is required to be recorded on a plan required to be kept by the manager of the mine cannot be recorded thereon fully and clearly, he may serve on the manager of the mine a notice requiring him to keep at the office at the mine or at such other place as may be approved by an inspector such supplementary plan or drawing specified in the notice as appears to the inspector by whom the notice is served to be requisite for the purpose of recording that information fully and clearly.

(4) Regulations† may provide—

- (a) for requiring that plans, sections and drawings which by virtue of this section are required to be kept in the case of a mine, or any prescribed class thereof, shall be prepared by, or under the supervision of, the surveyor for the mine;
- (b) for requiring, with respect to any such plan, section or drawing as aforesaid which has not been prepared by the surveyor for the mine, that the surveyor or such other person as may be prescribed shall take the prescribed steps for ensuring the accuracy thereof;
- (c) for imposing upon the surveyor for a mine such duties as may be prescribed with respect to—
 - (i) the preservation and production of any prescribed documents, being documents prepared for the purpose of, or in connection with, the preparation or checking of any of the plans, sections and drawings which by virtue of this section are required to be kept in the case of the mine; and
 - (ii) the recording of the identity of the person who prepared any such document.

18. (1) It shall be the duty both of the owner and of the manager of every mine, whether requested so to do or not, to furnish to the surveyor for the mine all such plans, sections, drawings and other documents and information in the possession or under the control of the owner or manager as may be requisite for the purpose of the preparation of any plan, section or drawing which, by virtue of the last foregoing section, is required to be kept in the case of that mine and to accord to the surveyor all such facilities as may be requisite for that purpose; and, in particular, but without prejudice to the generality of the foregoing provisions of this subsection, it shall be the duty of the manager of every

* No rules for this purpose have yet been made.

† No general regulations for this purpose have yet been made.

mine, forthwith after it is determined to cease to maintain a working therein in an accessible condition, to give to the surveyor for the mine notice of that fact, specifying the working in question.

(2) Each of the following persons, namely, the owner of a mine and the manager thereof, shall, if requested so to do by the owner of another mine, furnish to the owner of that other mine or the surveyor therefor any information in the possession of the person to whom the request is made, and permit the owner of that other mine or the surveyor therefor to inspect and take copies of, or extracts from, any plans, sections, drawings or other documents in the possession or under the control of the said person, being information or, as the case may be, documents requisite for the purpose of the preparation of any plan, section or drawing which, by virtue of the last foregoing section, is required to be kept in the case of that other mine.

19. (1) If, in the case of any mine, the Minister is satisfied, upon a representation made to him by an inspector, that plan, section or drawing which by virtue of the foregoing provisions of this Act is kept by the manager of that mine is inaccurate, incomplete, dilapidated or wholly or partly indecipherable and that, in the interests of safety, it is desirable for a new plan, section or drawing to be made, he may appoint a surveyor to make a new plan, section or drawing.

(2) The following provisions shall have effect where a surveyor is appointed under the foregoing subsection to make a new plan, section or drawing in the case of a mine:

- (a) the owner and the manager of the mine shall afford to the surveyor all necessary facilities and information for the purpose of making the new plan, section or drawing;
- (b) on the completion of the new plan, section or drawing, it shall be sent to the manager of the mine; and
- (c) the cost of making the new plan, section or drawing, or such part of that cost as the Minister thinks fit, shall be recoverable by him from the owner of the mine.

20. (1) Provision may be made by regulations*—

- (a) for requiring that—

(i) in the event of the abandonment of a mine or of the expiration of the period of twelve months from the time at which a mine was last worked for the purpose of getting minerals or products of minerals, the person who is the owner of the mine at the time of the happening of that event shall, within the prescribed period thereafter, send to the inspector for the district such plans of the workings in the mine at that time (being plans complying with such requirements as are imposed by or by virtue of the next following subsection), and such drawings supplementary to the plans, as may be prescribed and such sections of the seams or veins worked in the mine and of the strata overlying them (being sections complying with such requirements as aforesaid) as may be prescribed;

* No new general regulations have yet been made under this subsection, but in the meantime the provisions of the Miscellaneous Mines (General) Regulations, 1956, No. 3 (page 99) apply.

(ii) in the event of the abandonment of a seam or vein in a mine or the expiration of the period of twelve months from the time at which a seam or vein in a mine was last worked for the purpose of getting minerals or products of minerals, the person who is the owner of the mine at the time of the happening of that event shall, within the prescribed period thereafter, send to the inspector for the district such plans of the workings in that seam or vein at that time (being plans complying with such requirements as are imposed by or by virtue of the next following subsection), and such drawings supplementary to the plans, as may be prescribed and such sections of that seam or vein and of the strata overlying it (being sections complying with such requirements as aforesaid), as may be prescribed;

(b) for imposing, with respect to plans, drawings and sections sent to an inspector in pursuance of such provisions of the regulations as have effect by virtue of the foregoing paragraph, such requirements (whether with respect to the persons by whom they are to be prepared, the giving of certificates with respect thereto or otherwise) as it may appear to the Minister requisite or expedient to impose for the purpose of ensuring the accuracy thereof.

(2) Plans and sections required, by virtue of provisions of regulations* having effect by virtue of the foregoing subsection, to be sent to an inspector shall be of durable material and be prepared in such form and manner as may be specified by rules† made by the Minister and on a scale not less than such as may be so specified, and any such plans shall show the position, in relation to objects on the surface, of the workings delineated on the plans and record such information as may be so specified with respect to orientation, contours, boundaries, faults, workings other than those delineated on the plans and any such other matters (whether similar to the matters aforesaid or not) as may be so specified.

(3) If the Minister is satisfied, on the representation of an inspector,—

(a) that there has occurred, in the case of a mine, a contravention of provisions of regulations having effect by virtue of sub-paragraph (i) or (ii) of paragraph (a) of subsection (1) of this section consisting of a failure to send a plan, drawing or section to an inspector within the period limited by those provisions or that, in the case of a mine, a plan, drawing or section sent to an inspector in pursuance of those provisions is inaccurate, incomplete, dilapidated or wholly or partly indecipherable; and

(b) that, in the interests of safety, it is desirable for a new plan, drawing or section to be made;

the Minister may, within six months from the expiration of that period, appoint a surveyor to make a new plan, drawing or section, and the cost of making the new plan, drawing or section, or such part of that cost as the Minister thinks fit, shall be recoverable by him from the person who was the owner of the mine at the time of the happening of the event in consequence of the happening of which the said provisions fell to be complied with.

* No new general regulations have yet been made *under this subsection*, but in the meantime the provisions of the Miscellaneous Mines (General) Regulations, 1956, No. 3 (page 99) apply.

† No rules for this purpose have yet been made.

(4) Subject to the provisions of the next following subsection, plans, drawings and sections sent to an inspector in pursuance of the said provisions or made by a surveyor appointed under the last foregoing subsection shall be preserved* by the Minister or by some other person under arrangements made or approved by the Minister.

(5) Where, at the time at which the working of a mine or a seam or vein therein is resumed, any plans, drawings or sections relating thereto are, by virtue of the last foregoing subsection, preserved by the Minister or by some other person (not being the owner of the mine), the owner shall, on giving not less than fourteen days notice to the person by whom the plans, drawings or sections are preserved and (where that person is not the Minister) to the Minister, be entitled to have delivered to him the plans, drawings or sections subject to affording to the Minister, if required so to do before the expiration of the notice, a reasonable opportunity of making copies of the plans, drawings or sections or of such part thereof as the Minister thinks fit.

21. Regulations† may require the manager of every mine to keep at the office at the mine or at such other place as may be approved by an inspector a geological map of the district in which the mine is situate, being a map conforming to such requirements (if any) as may be prescribed.

PART III
SAFETY, HEALTH AND WELFARE
Provisions for securing safe Ingress and Egress

22. . . .

23. . . .

24. . . .

25. . . .

26. Regulations may provide that the foregoing provisions‡ of this Part of this Act shall (subject to such exceptions, adaptations and modifications, if any, as may be prescribed) apply to mines other than of coal, stratified ironstone, shale or fireclay.

27. . . .

28. (1) . . .

(2) Every shaft and unwalkable outlet§ for the time being provided . . . for affording to persons employed below ground therein means of ingress and egress, being a shaft or outlet in the case of which the relevant distance exceeds one hundred and fifty feet, shall be provided with apparatus for carrying persons between the top of the shaft and the entrances therefrom to the workings and

* Any person wishing to consult plans should apply to the inspector for the district in which the mine is situated, or to the Ministry of Power, Thames House South, Millbank, London, S.W.1.

† No general regulations for this purpose have yet been made.

‡ i.e. Sections 22 to 25. No such regulations have yet been made.

§ This term, as used here and subsequently in the Act, has the meaning defined in Section 182 (1).

between those entrances themselves or, as the case may be, for carrying persons between the surface entrance to the outlet and the entrances therefrom to the workings and between those entrances themselves, being apparatus which complies with such requirements (if any) of regulations* as it appears to the Minister requisite or expedient to impose for securing the safety of persons when being carried by means thereof, and whose use is confined to the shaft or outlet, save where an inspector in any particular case, by notice served on the manager of the mine, consents to its use not being so confined:

Provided that an inspector may by notice served on the manager of any such mine as is mentioned in the foregoing provisions of this subsection exempt from those provisions a shaft or outlet provided at that mine.

For the purposes of this subsection the expression "relevant distance" means, in the case of a shaft, the distance between the top of the shaft and the bottom of the lowest entrance to the shaft provided for affording to persons access to the shaft and, in the case of an outlet, the distance between the point at which the outlet reaches the surface and the underground entrance provided for affording to persons access to the outlet which is furthest from that point.

(3) All apparatus provided in pursuance of this section shall be properly maintained and, when not in use, kept constantly available for use.

29. Regulations† may impose upon owners of mines such requirements with respect to the provision and maintenance of the prescribed machinery, apparatus and parts of machinery or apparatus for the purpose of their being available for use in the event of apparatus provided at mines for carrying persons employed thereat through shafts or outlets thereat failing to function as it may appear to the Minister requisite or expedient to impose for the purpose of securing the safety of such persons.

Safety Precautions in connection with Shafts, &c., and Entrances to disused Workings

30. (1) Every mine shaft and staple-pit‡ shall, save in so far as the natural conditions of the strata through which it passes render it unnecessary (either as to the whole or as to any part thereof) so to make it, be made secure, and shall be kept secure:

Provided that in any prosecution for a contravention of this subsection with respect to a shaft or staple-pit, it shall be a defence to prove that at the time of the alleged contravention no insecure part of that shaft or staple-pit was in use or was the site of any operations in progress by way of driving or extending the shaft or staple-pit.

(2) Subsection (1) of this section shall apply to unwalkable outlets at a mine as it applies to mine shafts.

* No new general regulations have yet been made *under this subsection*, but in the meantime the provisions of the Miscellaneous Mines (General) Regulations, 1956, Nos. 8 to 14 (page 101) apply.

† No general regulations for this purpose have yet been made.

‡ The term "staple-pit" here, and subsequently in the Act, includes "winze" (see Section 182 (1)).

31. (1) The surface entrance to every mine shaft and every other entrance thereto (whether above or below ground), and every entrance to every staple-pit, shall be provided with an efficient enclosure or barrier so designed and constructed as to prevent any person from accidentally falling down the shaft or staple-pit or accidentally coming into contact with a moving part of any winding apparatus with which the shaft or staple-pit is provided.

(2) Every enclosure or barrier provided in pursuance of the foregoing subsection shall be properly maintained and, where an enclosure or barrier so provided or any part thereof is removable or openable, the enclosure, barrier or part shall be kept securely in position or, as the case may be, securely closed save in so far as its removal or opening is necessary for the purpose of the use of the shaft or staple-pit in connection with which it is provided, the doing of work in the shaft or staple-pit or the inspection of, or of anything in, the shaft or staple-pit.

(3) Provision may be made by regulations* for requiring such steps as may be prescribed to be taken for the purpose of preventing persons from accidentally entering outlets at mines or from accidentally coming into contact with moving parts of any apparatus therein.

(4) For the purposes of this section so much of any super-structure provided at the top of a shaft as forms an extension thereof shall be deemed to form part of the shaft.

(5) This section shall not apply to a shaft or outlet of, or staple-pit in, an abandoned mine or a mine which has not been worked for a period of twelve months, but, save as aforesaid, shall apply as well to shafts, outlets and staple-pits which are not in use as to shafts, outlets and staple-pits which are in use.

32. (1) Provision may be made by regulations* for requiring such steps as may be prescribed to be taken at mines for the purpose of preventing persons from being injured by the accidental fall of articles down shafts or staple-pits thereat.

(2) Subsection (4) of the last foregoing section shall apply for the purposes of this section as it applies for the purposes of that section.

33. (1) Every entrance from a road in a mine to a part of the mine which for the time being is not maintained in a state fit for persons to work in or pass through shall be provided with an efficient enclosure or barrier so designed and constructed as to prevent any person from accidentally entering that part of the mine.

(2) Every enclosure or barrier provided in a mine in pursuance of the foregoing subsection shall be properly maintained and, where an enclosure or barrier so provided or any part thereof is removable or openable, the enclosure, barrier or part shall be kept securely in position or, as the case may be, securely closed save in so far as its removal or opening is authorised by the manager of the mine, an under-manager thereof or the person for the time being in charge of the part of the mine in which it is provided.

* No general regulations for this purpose have yet been made.

Roads

34. (1) It shall be the duty of the manager of every mine to take, with respect to every length of road therein, being a length in which vehicles or conveyors run or which is used at the beginning or end of a shift by not less than ten persons for the purpose of walking to or from their working places in the mine, such steps as may be necessary to secure that the following provisions are complied with, namely,—

(a) every such length of road made after the commencement of this Act shall be so made and maintained as to avoid sudden changes of direction, height, width and gradient save in so far as either—

(i) the system of working the mine or the natural conditions of the strata therein render it inadvisable for reasons of safety to do so; or

(ii) it is unnecessary to do so;

(b) every such length of road (whether made before or after the commencement of this Act) shall be kept free from obstructions and the floor thereof shall be kept in good repair and in such a condition that any persons or animals who use that length of road can tread it with safety and reasonable convenience.

(2) If, with respect to any such length of road as aforesaid in a mine (being a length made before the commencement of this Act) an inspector is of opinion that any sudden change therein of direction, height, width or gradient ought to be eliminated, he may serve on the manager of the mine a notice specifying that length of road and any such sudden change as aforesaid which he thinks ought to be eliminated and requiring the manager to execute, before the expiration of such period beginning with the date on which the notice becomes operative as may be specified therein, such works to that length of road as will eliminate that sudden change.

The provisions of Part XV of this Act with respect to references upon notices served by inspectors shall apply to a notice served under this subsection.

(3) References in this section to changes of gradient shall be construed as including references to deviations (whether upwards or downwards) from the horizontal.

35. (1) Every length of road in a mine which is used at the beginning or end of a shift by not less than ten persons for the purpose of walking to or from their working places in the mine, being a length made after the commencement of this Act, shall be not less than five feet six inches high throughout:

Provided that—

(a) provision may be made by regulations* for exempting from the foregoing provisions of this subsection any such lengths of road as aforesaid of a prescribed class in mines to which the regulations apply, or any prescribed parts of any such lengths of road in such mines or of any such lengths of road of a prescribed class in such mines; and

(b) an inspector may, by notice served on the manager of a particular mine exempt from those provisions any such length of road as aforesaid in that mine or any part of any such length of road.

* No general regulations for this purpose have yet been made.

(2) If, with respect to a length of road in a mine which is used as mentioned in subsection (1) of this section, being a length made before the commencement of this Act which is not throughout of a height of at least five feet six inches, an inspector is of opinion that it is inexpedient that it should continue to be so used unless it is heightened, he may serve on the manager of the mine a notice specifying that length of road and the height (not being more than five feet six inches) to which, in his opinion, it ought to be increased if it is to continue to be so used (hereinafter referred to as "the specified height"), and directing that, after the expiration of such period beginning with the day on which the notice becomes operative as may be specified therein, every part of that length of road which is so used shall be throughout (except at such places, if any, therein as may be specified in the notice) of a height not less than the specified height.

(3) If, with respect to a length of road in a mine (whether made in whole or in part either before or after the commencement of this Act), being a length which is used as mentioned in subsection (1) of this section, an inspector is of opinion that it is inexpedient that it should continue to be so used unless it is widened, he may serve on the manager of the mine a notice specifying that length of road and the width to which, in his opinion, it ought to be increased if it is to continue to be so used (hereinafter referred to as "the specified width") and directing that, after the expiration of such period beginning with the day on which the notice becomes operative as may be specified therein, every part of that length of road which is so used shall be throughout (except at such places, if any, therein as may be specified in the notice) of a width not less than the specified width.

(4) The provisions of Part XV of this Act with respect to references upon notices served by inspectors shall apply to a notice served under either of the two last foregoing subsections.

36. (1) The manager of a mine—

(a) shall not permit vehicles to run in any road therein unless neither the vehicles nor their loads, nor (if the vehicles run as part of rope haulage apparatus) the ropes to which they are attached, nor (if the vehicles are hauled by animals) the animals nor their harnesses rub against the roof or sides of the road, anything supporting the roof and sides of the road or either of them or anything in the road not provided for the purpose of controlling the vehicles or (in the case of vehicles which run as part of rope haulage apparatus) the ropes to which they are attached;

(b) shall not permit a conveyor to be operated in any road therein unless neither the conveyor nor its load rubs against the roof or sides of the road, anything supporting the roof and sides of the road or either of them or anything in the road.

(2) In any prosecution for a contravention of this section with respect to the running of vehicles or the operation of a conveyor in a road in a mine on any occasion, it shall be a defence to prove either—

(a) that the sole purpose for which the vehicles were being run or the conveyor was being operated on that occasion was to facilitate the carrying out to the road of repairs the purpose of the carrying out whereof was to enable the manager of the mine, without contravention of this section, to permit vehicles to run or a conveyor to be operated in that road; or

(b) that—

- (i) the fact that rubbing occurred on that occasion was due to a sudden decrease of the height or width of the road which it was impracticable to prevent; and
- (ii) there was no reasonable ground for apprehending that the running of the vehicles or the operation of the conveyor, as the case may be, on that occasion would result in bodily injury to persons or animals using the road; and
- (iii) no avoidable delay was incurred in taking the steps necessary to complete the carrying out to the road, at the place where rubbing occurred, of such repairs as aforesaid.

37. (1) The manager of every mine shall have power to make rules (hereafter in this Act referred to as "transport rules") with respect to the use of vehicles and conveyors in the mine and the conditions under which they may be so used and generally for securing the safe operation in the mine of vehicles and conveyors and the avoidance of bodily injury being caused to persons by reason of the running thereof, and in particular, but without prejudice to the generality of the foregoing words,—

- (a) specifying a standard height and width with respect to each length of road in the mine in which vehicles run or conveyors are operated;
- (b) specifying the maximum loads (by reference to weight, dimensions, number or other criterion) that may be carried in vehicles in any length of road in the mine and the maximum number of vehicles (according as to whether they are loaded or unloaded) that may be coupled together to run as a set or train in any length of road in the mine;
- (c) specifying the maximum speeds at which vehicles may run in any length of road in the mine; and
- (d) prohibiting the conveyance in roads in the mine of persons in vehicles or on conveyors except in such circumstances and in accordance with such conditions, if any, as may be specified in the rules and specifying precautions to be observed when persons are so conveyed.

(2) The exercise by the manager of a mine of the power conferred by the foregoing subsection shall be obligatory for the purpose mentioned in paragraph (a) of that subsection and also for the purposes mentioned in paragraphs (b) to (d) thereof save in so far as an exercise of that power for those purposes could, having regard to the circumstances of the mine, serve no object, and regulations may render an exercise of that power obligatory for any other purpose for which it may be exercised.

(3) The power conferred by subsection (1) of this section to specify by transport rules standard heights and widths with respect to lengths of road may, as respects any particular length of road, be so exercised as either to specify a standard height and width to be applicable without exception throughout that length of road or to specify a standard height and width to be applicable throughout that length of road but subject to exceptions (as regards height or width, or both) for such places therein as may be specified in the rules.

(4) Transport rules having effect with respect to a mine may impose duties and prohibitions on persons employed thereat and may make different provision with respect to different roads or classes of roads, different lengths of road or lengths of road of different classes and different classes of vehicles, conveyors and loads.

(5) It shall be the duty of the manager of every mine—

- (a) so to frame such of the provisions of transport rules as have effect by virtue of paragraph (a) of subsection (1) of this section as to secure that, as regards any length of road in the mine to which the provisions relate, the specified standard width is not less than such as is sufficient to permit of the provision of such amount of space as may be calculated to secure the safety of persons who work in or pass through that length of road while vehicles are running or conveyors are being operated therein; and
- (b) so to frame such of the provisions of transport rules as have effect by virtue of paragraph (b) or (c) of that subsection as to secure that each maximum thereby specified is such as will, in his opinion, afford a reasonable margin of safety.

(6) It shall be the duty of the manager of every mine—

- (a) to take, with respect to every length of road therein with respect to which a standard height and width is specified by provisions of transport rules having effect by virtue of paragraph (a) of subsection (1) of this section, such steps as are appropriate for securing that the height and width of that length of road throughout are at all times not less than the standard height and width so specified, save, so far as regards any such place therein as is specified in the rules by virtue of subsection (3) of this section, in so far as that height and width are, or either of them is, by virtue of that subsection, inapplicable;
- (b) to secure that all other provisions of transport rules relating to the mine are executed and enforced.

(7) A transport rule which is inconsistent with the provisions of any regulation shall, to the extent of the inconsistency, be of no effect.

(8) If an inspector is of opinion with respect to a mine that provision ought to be made by transport rules having effect with respect to the mine for any matter for which provision is not for the time being made by such rules or that different provision ought to be made by such rules for any matter for which provision is for the time being made by such rules, he may serve on the manager of the mine a notice stating that he is of that opinion, specifying the matter for which, in his opinion, provision or, as the case may be, different provision ought to be made as aforesaid and the nature of the provision that, in his opinion, ought to be made, and requiring the manager, before the expiration of such period beginning with the day on which the notice becomes operative as may be specified therein, to exercise the power conferred on him by subsection (1) of this section in accordance with the tenor of the notice.

The provisions of Part XV of this Act with respect to references upon notices served by inspectors shall apply to a notice served under this subsection.

(9) A copy of all transport rules for the time being in force with respect to a mine shall be kept at the office at the mine or at such other place as may be approved by an inspector, and notices containing a summary of so much of any such rules as affect any person shall be kept posted at suitable places in the mine in such characters and in such positions as to be easily seen and read by him.

(10) A document purporting to be certified by the manager of a mine to be a true copy of any transport rules for the time being in force with respect to the mine shall be receivable in evidence and shall, unless the contrary is proved, be deemed to be such a copy.

38. Regulations* may require the provision, in such cases as may be prescribed, of facilities whereby persons employed below ground in mines may be carried through the roads whereby they go to and from their working places or through parts of those roads, being cases where the provision of such facilities as aforesaid appears to the Minister to be necessary or expedient in the interests of safety or for the purpose of avoiding excessive fatigue being caused to such persons in going to and from those places.

39. (1) The following provisions shall have effect with respect to every length of road in a mine, being a length in which run vehicles moved otherwise than by hand or by animal traction (whether or not vehicles moved by those means also run therein):

(a) during any period during which vehicles are moving in that length of road otherwise than by those means, no person employed at the mine (other than an authorised person) shall, except in accordance with the provisions of regulations in that behalf, pass on foot along that length of road or any part thereof unless the movement of vehicles in that length of road, other than vehicles moved by those means, is specially stopped for the purpose of allowing him to do so;

(b) if that length of road is used at the beginning or end, or at the beginning and end, of a shift by not less than ten persons for the purpose of walking to or from their working places in the mine, it shall be the duty of the manager of the mine to fix a period or periods for the purpose of enabling them to do so in safety, and no person shall cause or permit a vehicle (whether loaded or not) to move, otherwise than by those means, in that length of road during a period fixed in pursuance of the foregoing provisions of this paragraph:

Provided that—

(i) provision may be made by regulations† for exempting from the provisions of either or both of the foregoing paragraphs any such lengths of road as aforesaid of a prescribed class in mines to which the regulations apply, and an inspector may, by notice served on the manager of a particular mine, exempt from the provisions of either or both of those paragraphs any such length of road as aforesaid in that mine; and

* No general regulations for this purpose have yet been made.

† No new general regulations have yet been made *under this subsection*, but in the meantime the provisions of the Miscellaneous Mines (General) Regulations, 1956, No. 23 (page 104) apply as regards paragraph (a). No general regulations have yet been made exempting any mines to which this volume applies from the requirement in paragraph (b).

(ii) in any prosecution instituted in respect of a person's passing along a length of road or part thereof in contravention of paragraph (a) of this subsection, it shall be a defence to prove that that person had reasonable cause to believe that it might be necessary for repairs to be carried out forthwith in that length of road and was so passing for the purpose of verifying his belief and of ascertaining the nature or extent of the repairs which he believed it might be necessary to carry out.

(2) Except with the written permission of the manager of a mine, no person shall, otherwise than in such circumstances and in accordance with such conditions (if any) as may be specified in transport rules having effect with respect to the mine, accompany on foot below ground in the mine a vehicle which is moving as part of any rope haulage apparatus.

(3) For the purposes of paragraph (a) of subsection (1) of this section the expression "authorised person" means, in relation to a length of road in a mine,—

- (a) an official of the mine;
- (b) a person employed in connection with the running of vehicles in that length of road;
- (c) a person engaged in, or in connection with, the carrying out in that length of road of repairs which it is necessary to carry out forthwith; or
- (d) a person engaged in carrying out, by virtue of the provisions of this Act relating to workmen's inspections or of any such agreement as is mentioned in those provisions* an inspection at the mine.

40. (1) Subject to any exceptions for which provision may be made by regulations,† the manager of a mine shall not permit vehicles (not being vehicles moved by hand) to run in any length of road in the mine unless there are provided in that length of road (except in so much, if any, of it as is within seventy-five feet of a working face served by it), at intervals not greater than such as may be prescribed‡ and in the prescribed‡ positions, refuge holes each of which is of such dimensions as may be prescribed‡ and complies with such other requirements as may be prescribed.‡

(2) Every refuge hole for the time being provided in a length of road in a mine for the purpose of enabling the manager of the mine, without contravention of the foregoing subsection, to permit vehicles to run in that length of road shall be kept free from obstruction.

(3) In this section the expression "working face" does not include a place in a road at which ripping or work of repair is in progress.

41. (1) So long as vehicles are used in a mine, there shall be provided, maintained and used, either in the mine or on the vehicles or both in the mine and on the vehicles, such safety devices as are necessary to prevent the occurrence of accidents likely to cause bodily injury to persons, being accidents caused by vehicles so used running away; and every device provided in pursuance of this

* See Section 123.

† No new general regulations have yet been made *under this subsection*, but in the meantime the exceptions in Regulation 24 (5) of the Miscellaneous Mines (General) Regulations, 1956 (page 105) apply.

‡ The prescribed requirements are contained in Regulation 24 (1) to (4) of the Miscellaneous Mines (General) Regulations, 1956.

subsection shall be of a kind designed to assume automatically the position in which it operates for the purpose for which it is designed, save in a case where there is good reason for not providing a device of that kind.

(2) In addition to the provision, in pursuance of the foregoing subsection, of such safety devices as are therein mentioned, there shall be taken, as respects a person who, otherwise than as a matter of routine, is at work at a place in a mine through which vehicles are running or are accustomed to run, such steps as are necessary to protect him from bodily injury in the event of a vehicle's running away while he is at work at that place.

*Provisions for securing safe operation of Winding and
Rope Haulage Apparatus and Conveyors*

42. (1) No mechanically or gravity operated winding apparatus* with which a mine shaft or staple-pit is provided and no mechanically or gravity operated rope haulage apparatus* at a mine shall be operated on any occasion when persons are carried by means thereof except by a competent male person who has attained the age of twenty-two years appointed by the manager of the mine to operate it on such an occasion; and accordingly it shall be the duty of the manager of every mine to appoint such number (if any) of competent male persons as may be sufficient to secure compliance with the foregoing provisions of this subsection.

(2) It shall be the duty of the manager of every mine to and from which persons gain ingress and egress by being carried through a shaft or unwalkable outlet by means of mechanically or gravity operated winding or rope haulage apparatus, or in which persons gain access to a part thereof by being carried through a staple-pit by means of mechanically or gravity operated winding apparatus, to make, and to secure the efficient carrying out of, arrangements whereby, so long as any person is below ground in the mine who it is intended should come out through that shaft, outlet or staple-pit, a person appointed under this section is in attendance at the mine for the purpose of operating the apparatus aforesaid provided for carrying persons through that shaft or outlet or, as the case may be, that staple-pit.

(3) An inspector may serve on the manager of a mine a notice requiring him to secure that, at such times as may be specified in the notice, a person who, in pursuance of arrangements made under the last foregoing subsection, is in attendance at the mine is not charged with the duty of operating more than one set of mechanically or gravity operated winding or rope haulage apparatus.

(4) . . .

43. (1) No mechanically or gravity operated winding apparatus† with which a mine shaft or staple-pit is provided shall be operated on an occasion when no persons are carried by means thereof except by, or under the constant supervision of, a competent male person who has attained the age of twenty-one years.

(2) No mechanically or gravity operated rope haulage apparatus at a mine shall be operated on any such occasion as aforesaid except by, or under the constant supervision of, a competent male person who has attained the age of eighteen years.

* These expressions, here and subsequently in the Act, are defined in Section 182 (1).

† As defined in Section 182 (1).

44. No conveyor shall be operated along a working face in a mine except by, or under the constant supervision of, a competent male person who has attained the age of eighteen years.

45. (1) There shall be provided and maintained—

- (a) in connection with every mine shaft provided with winding apparatus, being a shaft in the case of which the distance between the highest and lowest entrances thereto for the time being in use exceeds fifty feet, effective means of transmitting audible and visible signals from each entrance to the shaft for the time being in use to the place at which the winding apparatus is operated;
- (b) in connection with every unwalkable outlet at a mine, being an outlet which is provided with rope haulage apparatus and in the case of which the distance between the terminal surface entrance thereto and the terminal underground entrance thereto exceeds fifty feet, effective means of transmitting audible and visible signals from each entrance to the outlet for the time being in use to the place at which the haulage apparatus is operated;

and provision may be made by regulations* for requiring the provision and maintenance, in connection with mine shafts and unwalkable outlets at mines, of means of transmitting signals between the entrances thereto.

(2) Provision may be made by regulations*—

- (a) for requiring that the prescribed signals shall not be transmitted by means provided in pursuance of, or of regulations having effect by virtue of, the foregoing subsection otherwise than in the prescribed† code;
- (b) for requiring the manager of a mine to secure the attendance thereat, at such times as may be prescribed‡, of persons for the purpose of transmitting signals by those means and receiving signals transmitted thereby.

(3) For the purposes of this section—

- (a) so much of any superstructure provided at the top of a mine shaft as forms an extension thereof shall be deemed to form part of the shaft, and so much of a line of rails running through an outlet as lies between the point at which the outlet reaches the surface and the surface terminus of the line shall be deemed to form part of the outlet;
- (b) the expression “entrance”, in relation to an outlet, includes any place at which vehicles stop for the purpose of loading or unloading; and
- (c) the expressions “terminal surface entrance” and “terminal underground entrance”, in relation to an outlet, mean, respectively, the surface entrance thereto or, if there is more than one, that one for the time being in use which is furthest from the point at which the outlet reaches the surface and the underground entrance thereto for the time being in use which is furthest from that point.

* No new general regulations have yet been made under this subsection, but in the meantime the provisions of the Miscellaneous Mines (General) Regulations, 1956, Nos. 15 and 16 (page 102) apply.

† No code of signals for this purpose has yet been prescribed.

‡ See the Miscellaneous Mines (General) Regulations, 1956, No. 15, page 102.

46. Where rope haulage apparatus or a conveyor is installed in a road in a mine or is so installed at a mine as to permit of its operation in a road therein, then, if the length of the part of that road through which vehicles can move as part of that apparatus or, as the case may be, through which loads can be carried by means of that conveyor, exceeds ninety feet, there shall be provided and maintained effective means of transmitting signals from every point throughout that part of that road, to the place at which the apparatus or, as the case may be, the conveyor is operated.

47. Regulations* may provide for excluding or modifying the application of all or any of the provisions of the five last foregoing sections in the case of winding or rope haulage apparatus installed at mines or conveyors so installed, being apparatus or conveyors whose operation is remotely controlled or wholly or partly automatic.

Support

48. (1) It shall be the duty of the manager of every mine to take, with respect to every road and working place in the mine, such steps by way of controlling movement of the strata in the mine and supporting the roof and sides of the road or working place as may be necessary for keeping the road or working place secure:

Provided that nothing in this subsection shall require the taking of such steps as aforesaid with respect to a road or part of a road which is, or is comprised in, a part of the mine every entrance to which is for the time being provided, in pursuance of section thirty-three of this Act, with such an enclosure or barrier as is therein mentioned.

(2) It shall be the duty of the manager of every mine to take such steps as may be necessary for securing that he is at all material times in possession of all information relevant for determining the nature and extent of any steps which it is requisite for him to take in order to discharge efficiently the duty imposed on him by the foregoing subsection.

49. . . .

50. (1) Regulations* may require, or empower inspectors to require, the provision and maintenance . . . of systematic support for roofs or sides, or both, in such cases and to such extent as may be prescribed.

(2) The reference in this section to provision and maintenance of systematic support shall be construed in like manner as the references thereto in the last foregoing section† are required to be construed.

51. (1) Subject to any exceptions for which provision may be made by regulations,* no materials shall be used for the support of the roof or sides of any place in a mine other than materials provided by the owner of the mine.

* No general regulations for this purpose have yet been made.

† Subsection (5) of Section 49 provides that "references to provision and maintenance of systematic support shall, as respects any mine, be construed as references to provision and maintenance of support in accordance with a system specified in rules to be made by the manager of the mine, being a system consistent with the proper control of movement of the strata in the mine".

(2) No charge shall be levied by the owner of a mine upon any person employed thereat in respect of the provision by the owner of materials for support.

(3) It shall be the duty of the manager of every mine to secure that a sufficient supply of suitable materials for support is at all times readily available, for use at the place where he is actually working, to each workman who needs them, and—

- (a) where a sufficient supply of such materials is not readily available, for use at the place where he is actually working, to a workmen who needs them, he shall withdraw to a place of safety and forthwith report to an official of the mine that, by reason of the premises, he has done so; and
- (b) where it appears to the person for the time being in charge of a part of a mine that such a supply is not available as aforesaid to a workman employed in that part of the mine, the said person shall cause the workman to withdraw as aforesaid;

and where, on any occasion, a workman has, in pursuance of either of the foregoing paragraphs, withdrawn from the place where he was actually working, the person for the time being in charge of the part of the mine in which that place is situate shall not permit the workman to return to it thereafter until that person is satisfied that such a supply of materials as aforesaid will be readily available, for use at that place, to that workman when he needs them.

52. (1) No person shall withdraw support from the roof or sides of any place in a mine otherwise than by a method or device by which he does so from a position of safety.

(2) Where it is part of the system of work at a place in a mine to withdraw from the waste or from under the roof adjoining the waste support provided in compliance with a requirement to provide it imposed by or by virtue of section forty-nine or fifty of this Act, no person shall, at that place, otherwise than in accordance with a system specified in rules* to be made by the manager of the mine, withdraw as aforesaid support so provided.

53. It shall be the duty of every person employed at a mine who is appointed† for the purpose of fulfilling any requirements imposed with respect to the mine by virtue of paragraph (a) of subsection (1) of section twelve of this Act to ensure to the best of his ability that all such rules made under or by virtue of any of the foregoing provisions of this Act relating to support as have effect with respect to the mine are executed and enforced and that there are duly set any supports which appear to him to be necessary in addition to those set in pursuance of the requirements imposed by or by virtue of the said provisions.

54. (1) Rules made under or by virtue of any of the foregoing provisions‡ of this Act relating to support are hereafter in this Act referred to as "support rules".

* See Section 54.

† See note on Section 12, page 14.

‡ Until regulations have been made under Section 50 there are no provisions applicable to mines to which this volume relates.

(2) Support rules with respect to a mine shall comply with such requirements with respect to the form thereof and the matters to be specified therein as may be prescribed,* and may impose upon persons employed at the mine such duties and prohibitions as it appears to the manager of the mine requisite or expedient to impose on them for securing compliance with any requirement imposed by or by virtue of the foregoing provisions of this Part of this Act relating to support.

(3) If, with respect to any support rules for the time being in force with respect to a mine, an inspector is of opinion that the rules require modification in any particular, he may serve on the manager of the mine a notice specifying the rules, stating that he is of opinion aforesaid and specifying the particular in which, in his opinion, the rules require modification and the nature of the modification that, in his opinion, ought to be made, and requiring the manager, before the expiration of such period beginning with the date on which the notice becomes operative as may be specified therein, to modify the rules in accordance with the tenor of the notice.

The provisions of Part XV of this Act with respect to references upon notices served by inspectors shall apply to a notice served under this subsection.

(4) A support rule which is inconsistent with the provisions of any regulation shall, to the extent of the inconsistency, be of no effect.

(5) A copy of all support rules for the time being in force with respect to a mine shall be kept at the office at the mine or at such other place as may be approved by an inspector and where, by virtue of paragraph (d) of subsection (1) of section twelve of this Act, districts are delimited in a mine for the purpose of the discharge of their duties by persons appointed for the purpose of fulfilling the requirements imposed with respect to the mine by virtue of paragraph (a) of that subsection, a copy of so much of the said rules as relates to each district shall be supplied by the manager of the mine to the person so appointed who is in charge of the district and shall be kept posted at the entrance to the district in such characters and in such a position as to be easily seen and read by the persons employed in the district.

(6) It shall be the duty of the manager of every mine with respect to which support rules are for the time being in force to supply to every person employed at the mine whose duties consist of, or include, the setting of supports in accordance with a system specified in the rules, a document explaining either verbally or diagrammatically, or partly in the one way and partly in the other, the effect of the rules so far as they concern him.

(7) A document purporting to be certified by the manager of a mine to be a true copy of any support rules for the time being in force with respect to the mine shall be receivable in evidence and shall, unless the contrary is proved, be deemed to be such a copy.

55. (1) It shall be the duty of the manager of every mine to take such steps as are necessary for securing that there is constantly produced in all parts of the mine below ground ventilation adequate for the following purposes, namely,—

- (a) diluting gases that are inflammable or noxious so as to render them harmless and removing them; and
- (b) providing air containing a sufficiency of oxygen.

* No specification for this purpose has yet been prescribed.

(2) Without prejudice to the general application of the foregoing subsection—

- (a) ventilation produced in a part of a mine shall be deemed for the purposes of that subsection not to be adequate for the purpose of diluting carbon dioxide so as to render it harmless unless the amount thereof in the general body of the air in that part of the mine is not more than one-and a quarter per cent by volume or, if a smaller percentage by volume is prescribed,* that smaller percentage;
- (b) ventilation produced in a part of a mine shall be deemed for the purposes of that subsection not to be adequate for the purpose of providing air containing a sufficiency of oxygen unless the amount of oxygen in the general body of the air in that part of the mine is not less than nineteen per cent by volume;

and regulations may provide that, without prejudice to the general application of that subsection, ventilation produced in a part of a mine shall be deemed for the purposes of that subsection not to be adequate for the purpose of diluting a prescribed† gas (other than carbon dioxide) that is inflammable or noxious so as to render it harmless unless the amount thereof in the general body of the air in that part of the mine is less than the prescribed percentage by volume.

(3) In the discharge of the duty imposed on him by subsection (1) of this section, the manager of a mine shall have regard to the desirability of securing (consistently with the discharge of that duty) the maintenance in the mine of working conditions that are reasonable so far as regards the temperature and humidity of the atmosphere and the amount of dust therein.

(4) Nothing in subsection (1) of this section shall be construed as requiring the production of ventilation—

- (a) in a part of a mine which is stopped off in a prescribed‡ manner or in such other manner as may be approved by an inspector by notice served on the manager of the mine or is stowed up;
- (b) in any waste; or
- (c) in any such other part of a mine as may be prescribed. §

(5) Where, in any part of a mine required by the foregoing provisions of this section to be ventilated, the ventilation is interrupted or ceases to be adequate for the purposes mentioned in subsection (1) of this section, it shall be the duty of the manager of the mine to secure that, until the ventilation is restored, access to that part of the mine is so restricted as to prevent from entering it any person not authorised to do so and no person is permitted to remain in or pass through it except for the purpose of restoring the ventilation or in a case of emergency.

56. (1) This section applies to waste other than—

- (a) waste which is—

- (i) stopped off in a prescribed‡ manner or in such other manner as may be approved by an inspector by notice served on the manager of the mine in which it is contained; or

* No smaller percentage of carbon dioxide for this purpose has yet been prescribed.

† No minimum percentages for other gases have yet been prescribed for general application.

‡ No manner of stopping off for this purpose has yet been prescribed.

§ No “other part of a mine” for this purpose has yet been prescribed.

(ii) stowed up or

(b) waste, other than as aforesaid, with respect to which it is known that there is therein—

(i) no inflammable gas; and

(ii) either no noxious gas or no noxious gas in a dangerous concentration.

(2) It shall be the duty of the manager of every mine which contains any waste to which this section applies to secure either—

(a) that there is constantly produced in that waste ventilation adequate for the purposes mentioned in subsection (1) of the last foregoing section; or

(b) that appropriate steps are taken for the purpose of minimising dangerous emissions from that waste of inflammable or noxious gas.

(3) Subsection (2) of the last foregoing section shall, with any requisite modifications, apply for the purposes of paragraph (a) of the last foregoing subsection as it applies for the purposes of subsection (1) of that section.

57. (1) If an inspector is of opinion, with respect to a part of a mine that is by section fifty-five of this Act required to be ventilated, that, in the interests of the safety or health of the persons employed in that part of the mine, it is necessary or expedient to improve the ventilation produced therein, he may serve on the manager of the mine a notice specifying that part and stating that he is of opinion aforesaid with respect thereto and requiring (according as may be specified in the notice) either—

(a) that ventilation which, after the expiration of such period beginning with the day on which the notice becomes operative as may be specified therein, is produced in that part of the mine in pursuance of the said section fifty-five, must conform to such requirements as may be specified in the notice; or

(b) that such works for the purpose of improving the ventilation in that part of the mine as may be specified in the notice shall be executed before the expiration of that period.

(2) The provisions of Part XV of this Act with respect to references upon notices served by inspectors shall apply to a notice served under the foregoing subsection.

58. (1) Unless, in all parts of a mine that are required by section fifty-five of this Act to be ventilated, ventilation adequate for the purposes specified in subsection (1) of that section is provided wholly by natural means, there shall be provided and maintained on the surface of the mine mechanically operated apparatus capable of producing in all those parts of the mine an amount of ventilation sufficient (apart from any ventilation produced by any mechanically operated apparatus below ground) to enable all the persons who are below ground in the mine at any one time to leave it safely; and any apparatus provided in pursuance of this subsection shall, if it is not normally used to produce ventilation, be used once at least in each week and be kept constantly available for use.

(2) . . .

(3) Regulations* may—

(a) exempt any prescribed class of mines from the provisions of subsection (1) of this section;

(b) . . .

and an inspector may, by notice served on the manager of a particular mine . . . , exempt the mine from the provisions of the said subsection (1) . . . :

Provided that no exemption shall be granted by regulations made by virtue of this subsection unless the Minister is satisfied that no persons employed in mines of the class to which the regulations apply will be exposed to undue risk in consequence of the granting of the exemption, and no exemption shall be granted under this subsection by an inspector in the case of a particular mine unless he is satisfied that no persons employed in that mine will be exposed to undue risk in consequence of the granting of the exemption.

(4) It shall not be lawful to use a fire for ventilation in a mine or, except with the consent of an inspector, given by notice served on the manager of the mines to release in a mine compressed air for the purpose thereby of diluting or removing inflammable or noxious gas.

59. . . .

60. (1) At . . . every mine . . . , being either a safety-lamp mine or a mine (other than a safety-lamp mine) containing any waste to which section fifty-six of this Act applies, there shall be provided in a conspicuous place and in such a position as to be easily seen and read by the persons employed at the mine a barometer which shall, in such cases as may be prescribed† be of the prescribed† kind.

(2) Provision may be made by regulations‡ for requiring—

(a) the provision at any such mine as aforesaid of a barometer of a prescribed kind in addition to that required by the foregoing subsection to be provided thereat;

(b) the provision at the prescribed places in mines of the prescribed instruments for measuring the temperature or humidity, or temperature and humidity, of the atmosphere.

(3) Every instrument provided at a mine in pursuance of, or of regulations having effect by virtue of, the foregoing provisions of this section shall be properly maintained, and regulations* may require that any such instrument shall be read by such persons at such times as may be prescribed and that the readings shall be entered by those persons in a book to be provided for that purpose by the owner of the mine.

Lighting, Lamps and Contraband

61. (1) It shall be the duty of the manager of every mine—

(a) to secure the provision of—

(i) suitable and sufficient lighting (whether natural or artificial) in every part of the mine above ground in or through which persons

* No general regulations for this purpose have yet been made.

† No special kind of barometer for this purpose has yet been prescribed.

‡ No general regulations for either of these purposes have yet been made.

work or pass (account being taken, where lamps are normally carried by persons who work in or pass through any such part, of the amount of light emitted by those lamps);

(ii) suitable and sufficient artificial lighting in every part of the mine below ground in or through which persons work or pass, other than a part in which the installation of artificial lighting is inadvisable for reasons of safety or is unnecessary because of the amount of light emitted by lamps normally carried by persons who work in or pass through it or for any other reason;

(b) to secure that all apparatus installed at the mine for producing artificial lighting thereat is properly maintained.

(2) Provision may be made by regulations* for requiring the provision and maintenance, at such places at a mine as may be prescribed, of such lights as may be prescribed; but nothing in regulations having effect by virtue of this subsection shall be construed as being in derogation of the general obligation imposed by subsection (1) of this section.

62. (1) . . .

(2) Subject to the provisions of this section, no lamps or lights other than permitted lights† shall be allowed or used below ground in a mine . . . first opened before the said date,‡ being either—

(a) a mine in the case of which, immediately before that date, the use below ground therein of lamps or lights, other than locked safety-lamps or some other means of lighting the use of which below ground therein was authorised by or under the enactments repealed by this Act, was unlawful or would have been unlawful but for an exemption then in force; or

(b) a mine (other than as aforesaid) in the case of which locked safety-lamps were being used below ground therein immediately before that date otherwise than by way of temporary precaution.§

(3) Subject to the provisions of this section, no lamps or lights other than permitted lights shall, in the case of a mine . . . first opened before the said date‡ not being a mine to which subsection (2) of this section applies) or of a mine . . . first opened on or after the said date, be allowed or used below ground after—

(a) the occurrence in any part of the mine below ground of an ignition or explosion of gas naturally present in the mine (whether or not causing death or bodily injury); or

(b) the introduction of the use, in any part of the mine below ground, of locked safety-lamps otherwise than by way of temporary precaution; or

* No new general regulations have yet been made *under this subsection*, but in the meantime the provisions of Regulation 27 of the Miscellaneous Mines (General) Regulations, 1956 (page 105) apply.

† As defined in Section 182 (1).

‡ i.e. the date of the commencement of the Act (1st January, 1957).

§ See Section 182 (4).

(c) the expiration of the period of four weeks beginning with the day next following that on which there has become operative a notice served on the manager of the mine by an inspector stating that he is of opinion that no lamps or lights other than permitted lights ought to be used below ground in the mine.

(4) Such a notice as is mentioned in paragraph (c) of the last foregoing subsection shall not be served otherwise than in a case where inflammable gas is known to have been naturally present in the mine to which it relates at some time during the period of five years ending with the date on which service is effected, and the provisions of Part XV of this Act with respect to references upon notices served by inspectors shall apply to any such notice.

(5) If an inspector is satisfied with respect to a mine or a part of a mine that by reason of the special character of the mine or part, compliance with the requirements of the foregoing provisions of this section is unnecessary, he may, by notice served on the manager of the mine, exempt the mine or part from those provisions :

...

63. Regulations* may make provision with respect to—

- (a) the construction of safety-lamps and other lighting apparatus for use in mines and of parts of, and accessories to, such lamps or apparatus;
- (b) the repair, maintenance, alteration, adjustment and testing of such lamps, apparatus, parts and accessories;
- (c) the giving out to, and the use and handing in by, persons employed at mines of such lamps and apparatus.

64. (1) No person shall take or use below ground in a mine a safety lamp other than one provided by the owner of the mine.

(2) No person shall take or use below ground in a mine a safety lamp other than one of a type for the time being approved† by the Minister—

- (a) for use in mines generally, in mines of a class to which that mine belongs or in that mine; and
- (b) for use by all persons or persons of a class to which that person belongs.

65. (1) A person who damages, destroys or loses or suffers to be damaged, destroyed or lost a safety-lamp given out to him at a mine shall be guilty of an offence :

Provided that, in any proceedings taken against a person in respect of an offence under this section with respect to a safety-lamp, it shall be a defence for him to prove that he took reasonable steps for the care and preservation of the lamp and that, immediately after the occurrence of the damage, destruction or loss, as the case may be, he notified an official of the mine of its occurrence.

(2) A person who tampers with a safety-lamp given out to him at a mine shall be guilty of an offence.

* No general regulations for any of these purposes have yet been made.

† Lists of approved safety lamps are published separately.

66. (1) A person who takes or has in his possession below ground in a safety-lamp mine* or takes into, or has in his possession in, a safety-lamp part of a mine* any cigar or cigarette, any pipe or other contrivance for smoking or any match or mechanical lighter, shall be guilty of an offence.

(2) It shall be the duty of the manager of every safety-lamp mine and of every mine containing a safety-lamp part—

(a) to make, and to ensure the efficient carrying out of, arrangements whereby all persons employed below ground in the mine or, as the case may be, employed in the safety-lamp part thereof or such of those persons as may be selected in accordance with a system approved by an inspector by notice served on the manager of the mine, and any articles which they have with them, and all other persons and any articles which they have with them, will, for the purpose of ascertaining whether any of them has in his possession any such article as is mentioned in subsection (1) of this section, be searched in the authorised† manner immediately before, or (if that is impracticable) immediately after, they go below ground in the mine on any occasion or, as the case may be, enter the safety-lamp part thereof on any occasion; and

(b) to secure that, at any time when the said arrangements are not in operation, no person goes below ground in the mine or, as the case may be, enters the safety-lamp part thereof;

and the manager of every safety-lamp mine and of every mine containing a safety-lamp part may, at any time when a person is below ground in the mine or is in the safety-lamp part thereof, as the case may be, cause him and any article which he has with him to be searched in the authorised† manner for the purpose of ascertaining whether he has in his possession any such article as is mentioned in subsection (1) of this section.

(3) Where, upon a search made in pursuance of this section, a person who is about to go below ground in a safety-lamp mine or to enter a safety-lamp part of a mine is found to have in his possession any such article as is mentioned in subsection (1) of this section, he shall be guilty of an offence.

(4) Without prejudice to the institution of proceedings against a person for an offence under this section, any such article as is mentioned in subsection (1) of this section which is found upon any search made at a mine in pursuance of this section may be seized by the person making the search and dealt with in such manner as may be directed by the manager of the mine.

(5) No person shall, in pursuance of this section, search any other person on any occasion unless he has previously given on that occasion an opportunity to some two other persons to search himself and, if searched by them, has not been found to have in his possession any such article as is mentioned in subsection (1) of this section.

(6) A person who on any occasion refuses to allow himself or an article which he has with him to be searched in pursuance of this section shall be guilty of an offence and, without prejudice to the institution of proceedings against him in respect of the offence, if the refusal occurs before he goes below ground in a mine shall not be allowed to go below ground in it on that occasion and, if the

* As defined in Section 182 (1).

† See the Mines (Manner of Search for Smoking Materials) Order, 1956, page 123.

refusal occurs when he is in a mine, shall not be allowed to remain in it on that occasion.

(7) It shall be the duty of the manager of every safety-lamp mine and of every mine containing a safety-lamp part to secure that, at or near every place where searches are carried out under arrangements made in pursuance of paragraph (a) of subsection (2) of this section, notices warning persons of their liability under subsection (1) thereof are kept posted in such characters and in such positions as to be easily seen and read by persons liable to be searched.

(8) In this section the expression "mechanical lighter" means a mechanical, chemical or electrical contrivance designed or adapted primarily for the purpose of igniting tobacco and the expression "authorised manner" means such manner as may be specified in an order made by the Minister.

67. (1) Subject to the provisions of this section, no article designed or adapted to produce an unprotected flame or an unprotected spark shall be taken or used below ground in a safety-lamp mine* or taken into, or used in, a safety-lamp part* of a mine.

(2) Nothing in the foregoing subsection shall be construed as prohibiting—

- (a) the taking into, or use in, a mine or part of a mine of any article in accordance with this Act or regulations;
- (b) the taking into, or use in, a mine of any class or part of a mine of any class of an article of a description authorised by order† of the Minister to be used in a mine of that class;
- (c) the taking into, or use in, a mine or part of a mine of an article of a description authorised in writing by an inspector to be used in that mine or, as the case may be, that part of that mine.

Electricity and Electrical Apparatus

68. (1) Regulations‡ may make provision with respect to any of the following matters, namely,—

- (a) the generation, storage, transformation, transmission and use of electricity at mines; and
- (b) the use, construction, installation, examination, repair, maintenance, alteration, adjustment and testing of electrical apparatus and electric cables at mines;

shall make provision for requiring that, where the amount of inflammable gas in the general body of the air in a part of a mine below ground exceeds such percentage by volume (which shall not exceed one-and-a-quarter) as may be prescribed, the supply of electricity to all apparatus in that part of the mine (other than such apparatus as may be prescribed, being apparatus as to which the Minister is satisfied that the continued use thereof will not involve undue risk), shall be cut off; and may make provision for requiring the cutting-off, in such circumstances (other than as aforesaid) as may be prescribed, of the supply of electricity to apparatus below ground in a mine.

* As defined in Section 182 (1).

† No order for this purpose has yet been made.

‡ No new general regulations have yet been made *under this subsection*, but in the meantime the provisions of the Miscellaneous Mines (Electricity) Regulations, 1956 (page 117) apply.

(2) If, with respect to a mine, an inspector is of opinion that the use of electricity below ground therein or in any part thereof below ground would or might involve substantial risk of an explosion of gas or dust, he may serve on the manager of the mine a notice* stating that he is of that opinion, and prohibiting, or restricting to such extent as may be specified in the notice, the use of electricity below ground in the mine or in that part thereof, as the case may be.

The provisions of Part XV of this Act with respect to references upon notices served by inspectors shall apply to a notice served under this subsection and any such notice shall, if it is so specified therein, become operative forthwith.

Blasting Materials and Devices

69. (1) Regulations† may make provision for prohibiting or restricting the supply, storage‡ or use at mines of blasting materials and devices or any class thereof and, in particular, for prohibiting or restricting the use of such materials and devices or any class thereof in a part of a mine below ground at any time at which the amount of inflammable gas in the general body of the air in that part exceeds the prescribed percentage by volume and in such other circumstances (if any) as may be prescribed.

(2) The Minister may by order§ impose prohibitions or restrictions on the use, at mines or mines of any class, of any blasting material or device or any class of blasting materials and devices in any case where—

(a) regulations having effect by virtue of the foregoing subsection do not prohibit or restrict, or do not, in the opinion of the Minister, sufficiently restrict, the use at mines or mines of that class, as the case may be, of that material or device or such materials and devices of that class, as the case may be; and

(b) the dangers inherent in the use at mines or mines of that class, as the case may be, of that material or device or such materials and devices of that class, as the case may be, are in his opinion such as to render it necessary or expedient for provision for prohibiting or restricting or, as the case may be, further restricting the use at mines or mines of that class, as the case may be, of that material or device or such materials and devices of that class, as the case may be, to be made by such regulations and for temporary provision in that behalf to be made forthwith by the order pending the coming into operation of provision in that behalf made by such regulations;

(3) No blasting material or device shall be taken or used below ground in a mine other than material or a device provided by the owner of the mine.

* See also Section 146 (2).

† No general regulations for this purpose have yet been made, but Regulation 30 of the Miscellaneous Mines (General) Regulations, 1956, (page 105), provides that "no person shall take into or use in any mine any blasting material or device except in accordance with regulations applicable to that mine". In the case of mines where explosives were being lawfully used on 31st December, 1956, the regulations referred to are the relevant Special Rules which were then in force and which by Section 191 (2) of the Act continue to have effect as if they had been special regulations made under the Act. In the case of mines where explosives are to be used for the first time on or after 1st January, 1957, the manager should apply in good time to the district inspector for appropriate special regulations to be made.

‡ See memorandum on the storage of explosives, page 132.

§ No order for this purpose has yet been made.

(4) In this section the expression "blasting materials and devices" means explosives and any articles designed for the purpose of breaking up or loosening minerals* by means of explosion, the expansion of gas, the change of a substance from one physical state to another or a chemical reaction not constituting combustion.

Fire Precautions and Provisions as to Rescue

70. (1) Subject to the provisions† of this section, it shall not be lawful for more than one hundred persons to be employed below ground in a mine of coal in circumstances in which, if there were a fire in any length of intake airway through which the air supply to all of those persons passes, none of them would be able to withdraw from the mine without either passing through the fire or following a way out to the surface in which, or in any part of which, the air would or might become so contaminated by the products of combustion generated by the fire as to prejudice seriously the possibility of the withdrawal of persons through it in safety, unless—

- (a) that length of intake airway and everything with which it is equipped are so constructed or treated, and so maintained and used, that that length of airway is, so far as can be reasonably foreseen, free from the risk that any fire that might break out therein would so develop as to prevent or endanger the withdrawal from the mine of those persons; or
- (b) means are provided for securing that, in the event of a fire in that length of intake airway, those persons will be able to withdraw in safety.

In computing, for the purposes of this subsection, the number of persons employed in such circumstances as aforesaid, a person going to or from his working place at the beginning or end of his shift shall, unless it is otherwise prescribed (either generally or in relation to any particular circumstances), be left out of account.

(2) Until the expiration of the period of five years beginning‡ with the commencement of this Act, so much of any road or other passage serving as an airway as was made before the commencement of this Act shall be disregarded for the purposes of the foregoing subsection.

(3) Regulations may provide for exempting from the provisions of subsection (1) of this section any prescribed class of mines of coal and an inspector may, by notice served on the manager of a particular mine of coal, exempt the mine or any part thereof from those provisions.

(4) Regulations§ may provide that the foregoing provisions of this section shall—

- (a) apply to mines other than of coal with the substitution, for the reference in subsection (2) to the expiration of the period of five years beginning with the commencement of this Act, of a reference to the expiration of such period beginning with the date on which the regulations come into operation as may be prescribed;

* As defined in Section 182 (1).

† This section may be applied to mines other than of coal by regulations made under subsection (4). No such regulations have yet been made, and in the meantime none of the mines to which this volume relates is affected by it.

‡ As provided in any regulations made under subsection (4) (a).

§ No general regulations for this purpose have yet been made.

(b) have effect, in their application to mines of a prescribed class (whether mines of coal or not), with the substitution, for the reference in subsection (1) to one hundred, of a reference to such less number as may be prescribed.

71. (1) The Minister may by order* appoint for the purposes of this subsection a day in relation to a class of mines specified in the order, and where a day is appointed under this subsection in relation to a class of mines it shall not, after that day, be lawful to use below ground in a mine of that class brattice sheeting other than of a type for the time being approved by the Minister for use in mines of that class.

(2) The Minister may by order* appoint for the purposes of this subsection a day in relation to a class of mines specified in the order or to parts specified in the order of mines of a class so specified (being parts below ground) and—

(a) where a day is appointed under this subsection in relation to a class of mines, it shall not, after that day, be lawful to use below ground in a mine of that class conveyor belting other than of a type approved by the Minister for use in mines of that class;

(b) where a day is so appointed in relation to specified parts of mines of a specified class, it shall not, after that day, be lawful to use in any such part of a mine of that class conveyor belting other than of a type approved by the Minister for use in mines of that class.

72. Regulations† may require the making of such provision as may be prescribed for all or any of the following purposes, namely, the prevention, detection and combating of outbreaks of fire at, and spontaneous heating occurring in, mines and the securing of the efficient conduct (as well in an atmosphere dangerous to life as in an atmosphere not dangerous to life) of such operations for the rescue of persons as it may be necessary to conduct at mines in consequence of the occurrence thereat of outbreaks of fire, explosions or other accidents of whatsoever kind, and in particular, but without prejudice to the foregoing provisions of this section, regulations may make provision—

(a) for the establishment and maintenance at mines of such organisations of persons as may be necessary for any of the purposes aforesaid and the provision and maintenance at mines of suitable and sufficient apparatus for any of those purposes, and, in particular, the provision at mines of adequate supplies of water for use in case of fire;

(b) for requiring owners of mines to provide and maintain stations (hereafter in this Act referred to as “central rescue stations”) for the purpose of providing facilities common to a number of mines for the conduct of such operations as aforesaid, and for the establishment and maintenance at such stations of such organisations of persons as may be necessary for the purpose of conducting such operations and the provision and maintenance thereat of suitable and sufficient apparatus for that purpose; and

* No order for either of these purposes has yet been made.

† No new general regulations have yet been made *under this section*, but in the meantime the provisions of the Miscellaneous Mines (General) Regulations, 1956, Nos. 31 to 35 (page 106) apply.

(c) for securing the efficient training of the members of any organisation of persons maintained in pursuance of the regulations;

73. It shall not be lawful for a person to be employed at a mine in a room, chamber, or similar confined space in which, owing to the nature of any machinery or apparatus installed therein or of any materials stored therein, there is a risk of the outbreak of a dangerous fire or the escape of steam in substantial quantity or of noxious gas in a dangerous concentration, unless either such steps are taken (whether by the provision of two or more exits or otherwise) as are necessary for the purpose of minimising the risk of his being trapped therein in any such event or the circumstances in which he is employed are themselves such as to minimise the risk of his being so trapped.

Dust Precautions

74. (1) It shall be the duty of the manager of every mine to ensure that, in connection with the getting, dressing and transporting of minerals* below ground in the mine, the giving-off of—

(a) any dust that is inflammable; and

(b) dust of such character and in such quantity as to be likely to be injurious to the persons employed;

is minimised.

(2) Where, in connection with the carrying on of any operations or process below ground in a mine or in a building on the surface of a mine, there is given-off any dust that is inflammable or dust of such character and in such quantity as to be likely to be injurious to the persons employed, it shall be the duty of the manager of the mine to ensure—

(a) that the entry of the dust into the air or its accumulation in any place in circumstances in which its accumulation in that place might be dangerous or harmful is minimised by means of steps in that behalf taken as near as possible to the point of origin of the dust;

(b) that any of the dust which enters the air is trapped or so dispersed as to render it harmless; and

(c) that any of the dust which is not prevented from accumulating in a place in circumstances in which its accumulation in that place might be dangerous or harmful is either systematically cleaned up and removed to a place where it cannot be dangerous or harmful or treated in manner approved by the Minister for the purpose of rendering it harmless.

(3) Regulations† may impose upon managers of mines such requirements with respect to the use thereat of prescribed apparatus and the taking thereat of prescribed steps as it may appear to the Minister requisite or expedient to impose for the purpose of attaining any of the objects mentioned in the foregoing provisions of this section; and regulations having effect by virtue of this subsection may provide either that compliance therewith by the manager of a mine is to be taken, either without qualification or to a prescribed extent, as compliance with

* As defined in Section 182 (1).

† No general regulations for this purpose have yet been made, but Special Rules for minimising injurious dust, which were in force at a number of mines before the commencement of the Act, are continued in force (so far as they are not inconsistent with this Section) by Section 191 (2) as if they had been special regulations made under the Act.

all or any of the requirements of the said provisions or that compliance with the regulations by the manager of a mine is not necessarily to be taken as compliance with any of the said requirements.

Precautions against external Dangers to Workings

75. (1) In the case of every mine, the owner thereof and the manager thereof shall each be charged with the duty—

(a) of taking such steps as may be necessary for securing that he is at all material times in possession of all information which indicates or tends to indicate the presence or absence, in the vicinity of any workings carried on or proposed to be carried on in the mine, of—

(i) any disused workings (whether mine workings or not);

(ii) any rock or stratum containing or likely to contain water (whether dispersed or in natural cavities);

(iii) any peat, moss, sand, gravel, silt or other material that is likely to flow when wet; and

(b) of taking such steps as may be necessary for the purpose of substantiating any such information which comes into his possession (whether in consequence of the discharge of the duty imposed upon him by the foregoing paragraph or not).

(2) In the case of every mine, the owner thereof and the manager thereof shall each be charged with the duty—

(a) forthwith after any such information as is mentioned in paragraph (a) of the foregoing subsection comes into his possession (whether in consequence of the discharge of the duty imposed upon him by that paragraph or not), of furnishing to the other particulars of the information; and

(b) forthwith after taking any steps in discharge of the duty imposed upon him by paragraph (b) of that subsection, of furnishing to the other particulars of the steps taken and of any conclusion reached as a result of taking them.

76. (1) It shall be the duty both of the owner and of the manager of every mine to take, with respect to any workings carried on or proposed to be carried on in the mine in the vicinity of the sea, a lake or river or any other body of surface water (whether accumulated naturally or artificially) such steps as may be necessary for ascertaining the total thickness of the strata lying between the workings and the surface water.

(2) In the case of every mine, the owner thereof and the manager thereof shall each be charged with the duty, forthwith after obtaining any information in consequence of the discharge of the duty imposed upon him by the foregoing subsection, of furnishing to the other particulars of the information obtained.

77. *It shall be the duty of the manager of every mine to take, with respect to every working in the mine, such steps as may be necessary to prevent any inrush into the working of gas from disused workings (whether mine workings or not) or of water or material that flows when wet (whether from disused workings or from any other source).

*See also Regulation 36 of the Miscellaneous Mines (General) Regulations, 1956. (page 106).

78. (1) Where an inspector is of opinion, with respect to a working in a mine, that there is a danger of the occurrence of such an inrush into the working as is mentioned in the last foregoing section, being a danger that in his opinion is capable of being averted, and either no steps for averting the danger have been taken or steps that have been taken for that purpose appear to the inspector to be inadequate or improper, he may serve on the manager of the mine a notice specifying the working, stating that he is of opinion aforesaid with respect thereto, and that, as the case may be, no steps for averting the danger have been taken or steps so taken appear to him to be inadequate or improper, and imposing all or any of the following requirements, that is to say:

- (a) a requirement that the manager shall, before the expiration of such period beginning with the date on which the notice becomes operative as may be specified therein, execute such works for the purpose of averting the danger as may be specified in the notice;
- (b) a requirement that, until such works have been executed, no person shall (save for the purpose of executing the works or saving life) be permitted by the manager to be in the mine or in such part thereof as may be specified in the notice;
- (c) a requirement that operations for getting minerals in the working shall, to such extent as may be specified in the notice, be discontinued until such works have been executed, or shall not be continued otherwise than in accordance with such a system of working as may be so specified.

(2) Where an inspector is of opinion, with respect to a working in a mine, that there is a danger of the occurrence of such an inrush into the working as is mentioned in the last foregoing section, being a danger that in his opinion is not capable of being averted, he may serve on the manager of a mine a notice* specifying the working, stating that he is of opinion aforesaid with respect thereto, and requiring that operations for getting minerals in the working be permanently discontinued and, if the inspector thinks fit, imposing, in addition, either or both of the following requirements, that is to say:

- (a) a requirement that the manager shall, before the expiration of such period beginning with the date on which the notice becomes operative as may be specified therein, execute such works for the purpose of protecting the rest of the mine as may be so specified;
- (b) a requirement that, until such works have been executed, no person shall (save for the purpose of executing the works or saving life) be permitted by the manager to be in the mine or in such part thereof as may be specified in the notice.

(3) The provisions of Part XV of this Act with respect to references upon notices served by inspectors shall apply to a notice served under either of the foregoing subsections, and any such notice shall, if it is so specified therein, become operative forthwith.

* See also Section 146 (2).

Duties of Officials and Workmen in Cases of Danger

79. (1) Where inflammable gas is present at a place below ground in a mine in a concentration deemed for the purposes of this section to be excessive, the person in charge of the part of the mine in which that place is situate shall comply with the following requirements, namely:

- (a) he shall forthwith cause all persons employed in so much of that part of the mine as appears to him to be affected (hereinafter referred to as the "affected area") to leave it;
- (b) unless he is the manager of the mine, he shall, forthwith after complying with the foregoing paragraph, inform his immediate superior and the person in charge of any other part of the mine appearing to him to be likely to be affected that inflammable gas is present at the said place in a concentration deemed as aforesaid to be excessive;
- (c) so soon after complying with paragraph (b) of this subsection (or, in a case where that paragraph does not apply, paragraph (a) of this subsection) as it is possible so to do without undue risk, he shall himself ascertain, or cause some competent person to ascertain, the condition of the affected area and the measures that it is necessary to take for the purpose of rendering it safe.

(2) The foregoing subsection shall, with the requisite modifications, apply where it appears to the person in charge of a part of a mine below ground that there exists at a place in that part a danger constituted—

- (a) by the presence of inflammable gas (whether or not the concentration thereof is deemed for the purposes of this section to be excessive); or
- (b) otherwise howsoever;

as it applies in the circumstances mentioned in that subsection.

(3) Where, on any occasion, persons have been caused to leave an affected area in pursuance of the foregoing provisions of this section, no person shall thereafter be permitted to enter it until both of the following conditions are fulfilled, namely,—

- (a) that inflammable gas is not present at any place therein in a concentration deemed for the purposes of this section to be excessive; and
- (b) that the appropriate person is satisfied that it is free from all danger (whether constituted by the presence of inflammable gas or otherwise howsoever):

Provided that nothing in this subsection shall be taken to prohibit a person from entering an affected area for the purpose of saving life, giving effect to paragraph (c) of subsection (1) of this section, rendering that area or any other part of the mine safe or ascertaining either the effectiveness of any measures taken for the last-mentioned purpose or whether, apart from this proviso, persons may lawfully be permitted to enter the affected area;

(4) Where persons have, on any occasion, been caused to leave an affected area in pursuance of the foregoing provisions of this section, the person who caused them to leave it shall record in a book* to be provided for that purpose by the owner of the mine particulars of the reason for his causing them to leave

* M. & Q. Form No. 210 (47).

that area and of the matters disclosed as a result of giving effect to paragraph (c) of subsection (1) of this section and subscribe his signature thereto.

(5) For the purposes of this section the concentration of inflammable gas present at a place in a mine shall be deemed to be excessive—

(a) if, being a place in—

(i) a safety lamp mine*; or

(ii) a part of a mine other than a safety-lamp mine, being a part in which the use of lamps or lights other than permitted lights is unlawful;†

the amount of such gas present in the general body of the air at that place is not less than two per cent by volume or, if a greater percentage by volume (not exceeding two-and-a-half) is prescribed‡, that greater percentage;

(b) if, being a place other than such a place as is mentioned in the foregoing paragraph, either—

(i) the amount of such gas present in the general body of the air at that place is not less than one-and-a-quarter per cent by volume or if a smaller percentage by volume is prescribed§, that smaller percentage; or

(ii) an indication of gas is seen at that place on the lowered flame of a safety lamp;

and for the purposes of subsection (3) of this section the appropriate person, in relation to an affected area, shall be the person in charge of the part of the mine which consists of, or includes, that area, except in a case where any of his superiors is present, and in the said excepted case shall be the senior of his superiors present.

80. If it appears to a person employed at a mine (not being an official of the mine) that a danger affecting the mine or a part thereof has arisen or is about to arise, he shall—

(a) if the taking of measures to render the mine or part safe after that danger has arisen or to prevent that danger from arising, as the case may be, falls within the scope of his normal duties, forthwith take those measures; and

(b) if not, forthwith report the matter to an official of the mine.

Machinery and Apparatus

81. (1) All parts and working gear, whether fixed or movable, including the anchoring and fixing appliances, of all machinery and apparatus used as, or forming, part of the equipment of a mine, and all foundations in or to which any such appliances are anchored or fixed shall be of good construction, suitable material, adequate strength and free from patent defect, and shall be properly maintained.

* As defined in Section 182 (1).

† See definition of "safety lamp part of a mine" in Section 182 (1).

‡ No greater percentage of gas for this purpose has yet been prescribed.

§ No smaller percentage of gas for this purpose has yet been prescribed.

(2) Provision may be made by regulations*—

- (a) for imposing such requirements (in addition to those imposed by the foregoing subsection) with respect to the construction, installation, maintenance, use, testing, repair, adjustment, alteration and examination of such machinery or apparatus as aforesaid as appear to the Minister to be expedient in the interests of the safety or health of persons employed at mines; and
- (b) for prohibiting the installation at mines of machinery or apparatus constructed in contravention of the regulations.

82. (1) Subject to the provisions of this section, every fly-wheel and every other dangerous exposed part of any machinery used as, or forming, part of the equipment of a mine shall be securely fenced; and where means of fencing are prescribed† with respect to any such part of any such machinery as aforesaid, the fencing provided in pursuance of the foregoing provisions of this subsection for that part shall be provided by those means.

(2) It shall be the duty of the manager of every mine to ensure that fencing provided in pursuance of the foregoing subsection is properly maintained and is kept in position while the parts required to be fenced are in motion or in use, except where such parts are exposed for an examination or adjustment which it is necessary to carry out while they are in motion or use and all such conditions as may be prescribed are complied with.

83. No internal combustion engine, steam boiler or locomotive shall be used below ground in a mine otherwise than in accordance with the provisions of regulations‡ in that behalf or with the consent of the Minister or an inspector.

84. (1) All apparatus used as, or forming, part of the equipment of a mine, being apparatus which contains or produces air, gas or steam at a pressure greater than atmospheric pressure shall be so constructed, installed, maintained and used as to obviate any risk from fire, bursting, explosion or collapse or the production of noxious gases.

(2) Provision may be made by regulations§ for prohibiting the installation at mines of such apparatus as aforesaid at places of such descriptions as may be prescribed and for requiring reports to be made of the results of examinations thereof made in pursuance of provisions of regulations having effect by virtue of section eighty-one of this Act.

(3) The Minister may at any time require any such apparatus as aforesaid at a mine to be examined by a person nominated by him and the manager of the mine shall give the necessary facilities for the examination; and if, as a result of the examination, it appears that any report of the result of an examination

* No new general regulations have yet been made *under this subsection*, but in the meantime the provisions of the Miscellaneous Mines (General) Regulations, 1956, Nos. 37 to 60 (page 106) apply.

† No specific means of fencing for this purpose have yet been prescribed.

‡ No general regulations for this purpose have yet been made and, unless there are Special Rules now having effect under Section 191 (2) of the Act as if they had been special regulations made under the Act, new special regulations will have to be made for any mine in which such engines or locomotives are proposed to be used.

§ No new general regulations have yet been made *under this subsection*, but in the meantime the provisions of the Miscellaneous Mines (General) Regulations, 1956, Nos. 53 to 60 (page 109) apply.

of the apparatus (being a report made in pursuance of regulations having effect by virtue of the last foregoing subsection) was inadequate or inaccurate in a material particular, the cost of the examination under this subsection shall be recoverable by the Minister from the owner of the mine.

85. *(1) There shall be plainly marked on every crane, crab and winch used as, or forming, part of the equipment of a mine the safe working load or loads thereof, except that, in the case of a jib crane so constructed that the safe working load may be varied by the raising or lowering of the jib, there shall be attached thereto either an automatic indicator of safe working loads or a table indicating the safe working loads at corresponding inclinations of the jib or corresponding radii of the load.

(2) No person shall, except for the purpose of a test, load any such crane, crab or winch as aforesaid beyond the safe working load marked or indicated thereon in pursuance of the foregoing subsection.

(3) This section shall not apply to winding apparatus with which a mine shaft or staple-pit is provided or to any rope haulage apparatus, and regulations† may provide that this section shall not apply to any other apparatus of a prescribed class.

Buildings, Structures, Means of Access, &c.

86. All buildings and structures on the surface of a mine shall be kept in safe condition.

87. (1) There shall be provided and maintained safe means of access to every place in or on a building or structure on the surface of a mine, being a place at which any person has at any time to work.

(2) Where a person is to work at any such place as aforesaid from which he will be liable to fall a distance of more than ten feet, then, unless the place is one which affords secure foothold and, where necessary, secure hand-hold, means shall be provided by fencing or otherwise for ensuring his safety.

Training and Discipline

88. It shall be the duty of the manager of every mine to secure that no person is employed thereat in any work otherwise than under the instruction and supervision of some person competent to give instruction in, and supervise, the doing of that work, unless the first-mentioned person has received adequate instruction in, and (where necessary) training for, the doing of that work and is competent to do it without supervision.

89. A person employed at a mine who contravenes—

- (a) any transport or support rules having effect with respect to the mine; or
- (b) any directions given to him by or on behalf of the owner or manager of the mine or any rule made by the manager of the mine for regulating the conduct either of all persons employed thereat or any class of persons so employed to which that person belongs, being directions given, or a

* See also Regulations 51 and 52 of the Miscellaneous Mines (General) Regulations, 1956 (page 109) for further provisions about lifting machines.

† No general regulations for this purpose have yet been made.

rule made, for the purpose of securing compliance with this Act, orders made thereunder or regulations or any transport or support rules having effect with respect to the mine or of securing the safety or health of that person or any other person employed at the mine;

shall be guilty of an offence.

90. (1) A person who negligently or wilfully does at a mine anything likely to endanger the safety of the mine or the safety or health of persons thereat or negligently or wilfully omits to do at a mine anything necessary for securing the safety of the mine or the safety or health of persons thereat shall be guilty of an offence.

(2) A person (not being an official of the mine) who, without permission granted by such an official, removes, alters or tampers with anything provided at a mine for the purpose of securing the safety or health of persons employed thereat shall be guilty of an offence.

First Aid

91. (1) It shall be the duty of the manager of every mine to secure the provision thereat of adequate facilities and equipment for the purpose of rendering first-aid to persons employed at the mine who, while so employed, suffer bodily injury* or become ill.

(2) Regulations† may—

(a) determine for mines of any class what are adequate facilities and equipment for the purposes of the foregoing subsection;

(b) require the attendance at mines during working hours of persons trained in first-aid treatment and the making and carrying out at mines—

(1) as respects persons who, while employed below ground thereat, suffer bodily injury or become ill, of such arrangements for their conveyance from the place where they were injured or became ill to the surface as may be prescribed; and

(ii) as respects persons who, while employed thereat (whether above or below ground), suffer bodily injury or become ill, of such arrangements for their conveyance (where necessary) to hospitals or their homes as may be prescribed.

Medical Examinations and Prohibition of Heavy Work

92. Provision may be made by regulations‡ for requiring young persons employed or seeking employment at mines to submit themselves for medical examination and for prohibiting the employment at a mine, either absolutely or in a particular capacity or in particular work, of—

* As defined in Section 182 (1).

† No new general regulations have yet been made *under this subsection*, but in the meantime the provisions of Regulation 71 of the Miscellaneous Mines (General) Regulations, 1956 (page 112) apply, without prejudice to the generality of subsection (1).

‡ No new general regulations have yet been made *under this Section*, but in the meantime the provisions of Regulation 70 of the Miscellaneous Mines (General) Regulations, 1956 (page 112) apply.

- (a) a young person who upon being required to submit himself for medical examination in accordance with the regulations fails without reasonable cause to do so;
- (b) a young person as to whom it is determined in accordance with the regulations that, by reason of his physical or mental condition, he is unfit for such employment or for such employment in that capacity or in that work, as the case may be.

93. A woman or young person shall not be employed at a mine to lift, carry or move a load so heavy as to be likely to cause injury to that woman or young person.

General Welfare Provisions

94. (1) It shall be the duty of the manager of every mine to secure the provision thereat (as well below as above ground) of sufficient and suitable sanitary conveniences* for the use of persons employed thereat being, in a case where persons of both sexes are, or are intended to be, so employed, conveniences affording proper separate accommodation for persons of each sex.

(2) All sanitary conveniences provided in pursuance of the foregoing subsection shall be kept clean and properly maintained and reasonable provision shall be made for lighting them.

95. (1) It shall be the duty of the owner of every mine to take such steps as are necessary to secure that all parts of the mine below ground are kept free from rats and mice, and provision may be made by regulations† for requiring owners of mines to take steps for the destruction below ground therein of insects or any prescribed class of insects or otherwise for keeping parts of mines below ground free from insects or any prescribed class of insects.

(2) Nothing in this section shall be construed as excluding the application to parts of mines below ground of any of the provisions of the Prevention of Damage by Pests Act, 1949.

96. Regulations‡ may impose such requirements with respect to the provision and maintenance, for the use of persons employed at mines, of—

- (a) washing facilities, including soap and clean towels or other suitable means of cleaning and drying;
- (b) accommodation and facilities for changing into clothing worn during working hours and for storing and drying clothing so worn and clothing not so worn; and
- (c) canteens, or accommodation and facilities (including facilities for heating food and boiling water) for enabling such persons to partake of meals provided by themselves;

as appear to the Minister to be expedient for the purpose of securing the welfare of such persons.

* See also Regulation 73 of the Miscellaneous Mines (General) Regulations, 1956, page 115. Sanitary conveniences are defined in Section 182 (1).

† No general regulations for this purpose have yet been made.

‡ No new general regulations have yet been made *under this Section*, but in the meantime the provisions of Regulation 72 of the Miscellaneous Mines (General) Regulations, 1956 (page 114) apply.

97. There shall be provided and maintained on the surface of every mine, at suitable points conveniently accessible to all persons employed at the mine, an adequate supply of wholesome drinking water.

* * * * *

(Parts IV and V relate only to Quarries)

* * * * *

PART VI

NOTIFICATION AND INVESTIGATION OF ACCIDENTS AND DISEASES

Notification

116. (1) Where an accident occurs at a mine . . . which causes the death of, or serious bodily injury* to, a person employed at the mine . . . , notice of the accident, in such form† and accompanied by such particulars as may be specified by the Minister, shall forthwith be given by the responsible person‡ to the inspector for the district and to such person as may for the time being be nominated—

- (a) in a case where there is an association or body representative of a majority of the total number of persons employed at the mine . . . , by that association or body;
- (b) in any other case, jointly by associations or bodies which are together representative of such a majority;

to receive on behalf of the persons so employed notices under this subsection.

(2) Where an accident causing serious bodily injury is notified under this section, and after notification thereof results in the death of the person injured, notice of the death shall, so soon as it comes to the knowledge of the responsible person, be given by him to the inspector for the district and the person nominated as aforesaid.

(3) Where an accident to which this section applies occurs to a person employed at a mine . . . and the owner of the mine . . . is not the actual employer of that person, the actual employer shall, if he fails to report the accident to the responsible person immediately, be guilty of an offence.

117. (1) If the Minister is of opinion that any special class of occurrences at mines . . . is of so dangerous a nature as to render it expedient that notice should be given under the last foregoing section in every case thereof, he may by order§ extend the provisions of that section to occurrences of that class, whether death or serious bodily injury is thereby caused or not.

(2) In any proceedings taken under this Act in respect of a failure to give notice of an occurrence of any kind at a mine . . . , being proceedings which could not be taken apart from an order under this section, it shall be a defence for the person charged to prove that he was not aware of the occurrence and that he had taken all reasonable steps for having occurrences of that kind brought to his notice.

* As defined in Section 182 (1).

† M. & Q. Form 206 (21).

‡ i.e. the manager (see Section 182 (1))

§ See the Notification of Dangerous Occurrences Order, dated 22nd December, 1906, which remains in force under Section 191 (1) (c) (page 123) and the Mines and Quarries (Notification of Dangerous Occurrences) Order, 1957 (S.I. 1957, No. 1095).

118. (1) The Minister may by order* apply (subject to such exceptions, adaptations and modifications, if any, as may be specified in the order) the provisions of section one hundred and sixteen of this Act to the contraction, by a person employed at a mine . . . , of any such disease as may be specified in the order.

(2) In any proceedings which, by virtue of an order under this section, are taken under this Act in respect of a failure to give notice of the contraction by a person employed at a mine . . . of a disease, it shall be a defence for the person charged to prove that he was not aware that the first-mentioned person had contracted the disease.

119. (1) Where a coroner holds an inquest on the body of a person whose death may have been caused by an accident at mine . . . , the coroner shall adjourn the inquest unless an inspector or some other person on behalf of the Minister is present to watch the proceedings, and shall, at least four days before holding the adjourned inquest, give to the inspector for the district notice of the time and place of holding the adjourned inquest:

Provided that—

- (a) the coroner, before the adjournment, may take evidence to identify the body and may order the interment thereof; and
- (b) if the inquest relates to the death of not more than one person, the coroner shall not be bound to adjourn the inquest in pursuance of this section if, not less than twenty-four hours before it is held, he informed the inspector for the district of the time and place of the holding thereof.

(2) Where evidence is given at any such inquest at which an inspector is not present of any neglect as having caused or contributed to the accident, or of any defect at the mine . . . appearing to the coroner or jury to require a remedy, the coroner shall give to the inspector for the district notice of the neglect or defect.

120. Where there occurs at a mine . . . an accident or other occurrence (being in either case one of which notice is required by this Act to be given†), no person shall disturb the place where it occurred or tamper with anything thereat before—

- (a) the expiration of three clear days after notification of the accident or other occurrence in accordance with this Act; or
- (b) that place has been both visited by an inspector and inspected in exercise of the powers in that behalf conferred by the provisions of this Act relating to workmen's inspections;

whichever first occurs:

Provided that—

- (i) nothing in this section shall prohibit the doing of anything by or with the consent of an inspector; and
- (ii) in any proceedings taken in respect of a contravention of this section consisting of the doing of any act, it shall be a defence to prove that the doing of that act was necessary for securing the safety of the mine . . . or persons thereat.

* No order for this purpose has yet been made.

† See Sections 116 to 118.

Investigations

121. Where there occurs at a mine . . . an accident or other occurrence (being in either case one of which notice is required by this Act to be given)* the Minister may, at any time, direct an inspector to make a special report with respect thereto, and the Minister may cause any such report to be made public at such time and in such manner as he thinks fit.

122. (1) The Minister may, where he thinks it expedient so to do, direct a public inquiry to be held into an accident or other occurrence at a mine . . . (being in either case one of which notice is required by this Act to be given)* and of its causes and circumstances.

(2) The provisions of the First Schedule to this Act shall have effect with respect to any such inquiry.

(3) Where the Minister directs a public inquiry to be held into such an accident or other occurrence as aforesaid in Scotland, being one causing the death of any person, no inquiry with regard to that death shall, unless the Lord Advocate otherwise directs, be held in pursuance of the Fatal Accidents Inquiry (Scotland) Act, 1895.

PART VII **WORKMEN'S INSPECTIONS**

123. (1) For the purpose of enabling inspections to be carried out at a mine . . . on behalf of the persons employed thereat, a panel of persons each of whom has had not less than five years' practical experience of mining . . . operations may be appointed for that mine . . .

(a) in a case where there is an association or body representative of a majority of the total number of persons employed at the mine . . . , by that association or body;

(b) in any other case, jointly by associations or bodies which are together representative of such a majority.

(2) The owner of a mine . . . shall be under an obligation to permit such inspections to be carried out thereat by members of the panel appointed therefor under subsection (1) of this section as will enable every part of the mine . . . and the equipment thereof to be inspected once at least in every month by two of those members together (of whom one at least is employed at the mine . . .).

(3) Where there occurs at a mine . . . an accident or other occurrence (being in either case one of which notice is required by this Act to be given)* any two members of the panel appointed for the mine . . . under subsection (1) of this section (of whom one at least is employed at the mine . . .) may together inspect the place where the accident or other occurrence occurred and so far as necessary for the purpose of ascertaining its cause, any other part of the mine . . . and any machinery, apparatus or other thing thereat, and may take samples of the atmosphere at that place and of any dust or water thereat.

(4) Nothing in subsection (2) or (3) of this section shall be construed as precluding the making, as respects a mine . . . , of an agreement between the owner thereof and the association or body (or, as the case may be, associations

* See Sections 116 to 118.

or bodies) by whom a panel therefor is appointed under subsection (1) of this section with respect to the carrying out, by members of that panel, of inspections at the mine . . . , so, however, that no such agreement shall operate so as in any way to abridge the rights conferred by the said subsections (2) and (3).

(5) On any occasion on which members of a panel appointed for a mine . . . under subsection (1) of this section carry out, by virtue of subsection (2) or (3) of this section or of any such agreement as is mentioned in subsection (4) thereof, an inspection at the mine . . . , they—

(a) shall be entitled to inspect any documents which by or by virtue of this Act are required to be kept at the office at the mine . . . or at such other place as may be approved by an inspector;

(b) shall be entitled to be accompanied by advisers of theirs, but shall not be entitled to preclude from accompanying them any of the following persons, that is to say,—

(i) in the case of an inspection at a mine, the owner thereof and any person nominated by him, the manager thereof and any person nominated by him and any under-manager thereof;

(ii) . . .

(6) On any occasion on which members of a panel appointed under subsection (1) of this section for a mine . . . are, by virtue of subsection (2) or (3) of this section or of any such agreement as is mentioned in subsection (4) thereof, carrying out an inspection at the mine . . . , it shall be the duty of all persons employed thereat to afford to those members such facilities and assistance with respect to matters or things to which the respective responsibilities of those persons extend as are requisite for the purpose of carrying out the inspection, and where the inspection is carried out by virtue of subsection (2) of this section or of any such agreement as is mentioned in subsection (4) thereof, it shall be the duty—

(a) . . . of the manager . . .

(b) . . .

if requested so to do by the said members, to furnish to them any information in his possession which relates to the nature or extent of any workings proposed to be carried on in the mine . . . ;

(7) Forthwith after members of a panel appointed under subsection (1) of this section for a mine . . . have, on any occasion, completed an inspection carried out thereat by virtue of subsection (2) or (3) of this section or of any such agreement as is mentioned in subsection (4) thereof, they shall make, in a book* to be provided for that purpose by the owner of the mine . . . , a full and accurate report of the matters ascertained as a result of the inspection and shall subscribe their signatures thereto.

(8) Forthwith after a report has, in pursuance of the last foregoing subsection, been made of matters ascertained as a result of an inspection carried out at a mine . . . , a true copy thereof shall be sent to the inspector for the district and another such copy shall be posted in some conspicuous position at the mine . . . and kept posted there for a period of twenty-four hours.

* M. & Q. Form No. 216.

PART VIII

EMPLOYMENT OF WOMEN AND YOUNG PERSONS*

Prohibition of Employment below Ground

124. (1) No female shall be employed below ground at a mine.

(2) After such day as may be appointed by order† of the Minister in relation to mines of any class, no male young person who has not attained the age of sixteen shall be employed below ground in a mine of that class except for the purpose of receiving instruction of such description as may be prescribed.

Hours of Work

125. (1) The hours worked and the intervals for meals and rest for every woman or young person employed above ground at a mine . . . shall conform to the following conditions, namely,—

- (a) the total hours worked, exclusive of intervals allowed for meals and rest, shall neither exceed nine in any day nor exceed forty-eight in any week and, except in the case of a male young person who has attained the age of sixteen, shall not exceed eight hours in any day unless the intervals allowed for meals and rest between spells amount to not less than one-and-a-half hours;
- (b) a woman or young person shall not be employed continuously for a spell of more than four-and-a-half hours without an interval of at least half-an-hour for a meal or rest, so, however, that where an interval of not less than ten minutes is allowed in the course of a spell, the spell may be increased to five hours.

(2) The total hours worked by a young person employed below ground at a mine . . . (including intervals allowed for meals and rest, the period between the time at which he is required to attend for the purpose of going below ground and the time at which he arrives at his working place and the period between the time at which he leaves his working place and the time at which he returns to the surface) shall neither exceed nine in any day nor exceed forty-eight in any week.

126. (1) The period of employment of a woman employed at a mine . . . shall neither begin earlier than six o'clock in the morning nor end later than ten o'clock in the evening or, on Saturday, two o'clock in the afternoon.

(2) The period of employment of a female young person employed at a mine . . . or of a male young person who has not attained the age of sixteen employed above ground at a mine . . . shall neither begin earlier than six o'clock in the morning nor end later than nine o'clock in the evening or, on Saturday, two o'clock in the afternoon.

(3) The period of employment of a male young person who has not attained the age of sixteen employed below ground at a mine shall neither begin earlier than six o'clock in the morning nor end later than ten o'clock in the evening or, on Saturday, two o'clock in the afternoon.

* As defined in Section 182 (1).

† Under the Mines (Employment of Young Persons) (Appointed day) Order, 1957 (S.I. 1957, No. 1093) the appointed day was 1st July, 1957.

(4) In the case of a woman employed at a mine . . . and in the case of any such young person as is mentioned in subsection (2) or (3) of this section who is so employed, there shall be an interval of not less than twelve hours between successive periods of employment.

(5) No woman and no such young person as is mentioned in subsection (2) or (3) of this section shall be employed at a mine . . . on Sunday.

127. (1) Subject to the following provisions of this section and to the following provisions of this Part of this Act relating to special exceptions, the period of employment of a male young person who has attained the age of sixteen employed at a mine (whether above or below ground) . . . shall neither begin earlier than six o'clock in the morning nor end later than ten o'clock in the evening, so, however, that no such young person shall be so employed at any time on a Saturday after two o'clock in the afternoon or on a Sunday except in the carrying out of work of surveying, measuring, repair or maintenance, being work of a description which requires to be done at that time.

(2) In the case of any mine . . . , the responsible person,* if authorised so to do, may by notice posted at the mine . . . give either or both of the following directions, namely,—

(a) a direction that the foregoing subsection shall, in relation to all such young persons as aforesaid employed at the mine . . . , have effect with the substitution, for the reference to six o'clock in the morning, of a reference to such earlier time (not being earlier than five o'clock in the morning) as may be specified in the notice;

(b) a direction that that subsection shall, in relation to all such young persons as aforesaid employed at the mine . . . , have effect with the substitution, for the reference to ten o'clock in the evening, of a reference to such later time (not being later than eleven o'clock in the evening) as may be so specified:

Provided that where, in relation to a mine . . . , a direction is given under each of the foregoing paragraphs, the directions shall be void if their combined effect is to extend the period of employment of the young persons employed at the mine . . . by more than one hour.

Authority for the giving of directions under this subsection may be given—

(i) in the case of all mines . . . or mines . . . of any class, by order† of the Minister;

(ii) in the case of a particular mine . . . , by notice served by an inspector on the responsible person.

(3) In the case of any such young person as is mentioned in subsection (1) of this section who is employed at a mine . . . , there shall be an interval of not less than twelve hours between successive periods of employment.

(4) Where such a young person as is mentioned in subsection (1) of this section is employed at a mine . . . on a Saturday after two o'clock in the afternoon, he shall not be employed at the mine . . . after two o'clock in the afternoon on one of the days falling between the next following Sunday and the next following Saturday, and where such a young person is so employed on a

* i.e. the manager (see Section 182 (1)).

† No order for this purpose has yet been made.

Sunday he shall not be employed at the mine . . . at any time on one of the days falling between that day and the next following Saturday.

128. (1) It shall, in the case of every mine . . . , be the duty of the responsible person* to fix within the limits allowed by or by virtue of the foregoing provisions of this Part of this Act and to specify in a notice which shall be posted at the mine . . . in such form† as the Minister may specify—

(a) the period of employment for each day of the week for the women and young persons employed at the mine . . . whose hours worked are regulated by section one hundred and twenty-five of this Act;

(b) any intervals allowed for meals or rest to such women and young persons; and no such woman or young person shall be employed at the mine . . . otherwise than in accordance with the notice.

(2) Different periods of employment and different intervals may be fixed under this section for different classes of woman and young persons employed at a mine . . . and for different days of the week.

(3) A change in the periods or intervals fixed under this section with respect to women or young persons employed at a mine . . . shall not be made until the responsible person has served on the inspector for the district, and posted in some conspicuous position at the mine . . . , notice of his intention to make the change, and shall not be made oftener than once in three months, unless for special cause allowed in writing by the inspector for the district.

129. . . .

130. Where on any occasion a male young person who has attained the age of sixteen remains, after the time at which his period of employment ends, below ground in a mine for the purpose of rendering assistance in the event of accident, meeting any danger (whether actual or apprehended) or dealing with any emergency or with work uncompleted through unusual and unforeseen circumstances which requires to be dealt with without interruption in order to avoid serious interference with ordinary work in the mine—

(a) there shall be deemed not to be a contravention of the foregoing provisions of this Part of this Act in relation to him; but

(b) he shall not, after his employment for that purpose has ended on that occasion, be again employed at the mine until not less than thirteen hours have elapsed since he returned to the surface after his employment so ended;

Miscellaneous Provisions

131. (1) It shall, in the case of every mine . . . , be the duty of the responsible person* to keep at the office at the mine . . . , or at such other place as may be approved by an inspector, a register in such form‡ as may be specified by the Minister and to enter in that register in such form and manner as may be so specified the name, date of birth, residence and date of first employment at the mine . . . of all women and young persons employed thereat, indicating, in the case of male young persons . . . , which of them are employed below ground thereat.

* i.e. the manager (see Section 182 (1)).

† M. & Q. Form No. 208.

‡ M. & Q. Form No. 220 (20B).

(2) It shall, in the case of every mine . . . , be the duty of the responsible person to produce (if requested so to do) any register kept by him in pursuance of this section to an officer of the local education authority (or, in Scotland, the education authority) within whose area the mine . . . is situate.

(3) Before a male young person is first employed below ground in a mine his employer (if other than the owner of the mine) shall inform the manager of the mine or some other person appointed in that behalf by the manager, that the young person is to be so employed.

132. (1) For the purposes of this Part of this Act a person employed below ground in a mine shall be deemed to be so employed during the period between the time at which he is required to attend for the purpose of going below ground and the time at which he returns to the surface.

(2) . . .

(3) This Part of this Act (except subsection (1) of section one hundred and twenty-four) shall not apply to persons holding responsible positions of management or acting as assistants to persons holding such positions or to persons engaged in clerical work above ground, being in each case persons who are not ordinarily engaged in manual work, to persons employed in, or in connection with, the sale or supply of meals or refreshments or to persons employed for the purposes of the treatment of the sick or injured.

(4) Where—

(a) a male young person who has attained the age of sixteen is, by virtue of a direction under subsection (2) of section one hundred and twenty-seven of this Act, employed at a mine . . . at a time later than ten o'clock, but not later than eleven o'clock in the evening; or

(b) . . .

his employment at the time mentioned in paragraph (a) or, as the case may be, paragraph (b) of this subsection shall be deemed not to be in contravention of the Employment of Women, Young Persons, and Children Act, 1920.

(5) Save as provided by the last foregoing subsection, the provisions of this Part of this Act shall be in addition to, and not in derogation of, the provisions of any other Act restricting the employment of women and young persons.

PART IX

RECORDS, RETURNS AND INFORMATION

133. (1) Every book which, in pursuance of this Act or regulations, is provided by the owner of a mine . . . for the purpose of the entry therein of any report, record or other item of information shall be in such form as the Minister may direct.

(2) Every entry made in any such book as aforesaid or a copy of that entry shall be preserved until the expiration of three years after the date on which it was made or such other period (whether longer or shorter) as may be prescribed for an entry of any class and, until no longer required to be preserved, shall be kept at the office at the mine . . . to which it relates or at such other place as may be approved by an inspector and be open to inspection by, or by a person authorised in that behalf in writing by, any person employed at that mine . . .

134. Where an appointment is made—

(a) by the manager of a mine in pursuance of regulations having effect by virtue of subsection (1) of section twelve of this Act, or in pursuance of subsection (1) of section thirteen thereof or regulations having effect by virtue of subsection (2) of the said section thirteen, or in pursuance of section forty-two of this Act; or

(b) . . . ;

the person making the appointment shall forthwith make a record thereof; and a record made in pursuance of this section shall be preserved until the expiration of twelve months after the ending of the appointment evidenced thereby and, until no longer required to be preserved, shall be kept at the office at the mine . . . to which that appointment is referable or at such other place as may be approved by an inspector and be open to inspection by, or by a person authorised in that behalf in writing by, any person employed at that mine . . .

135. At all times at which persons are employed at a mine . . . there shall be provided thereat or near thereto suitable covered accommodation wherein shall be provided a copy of this Act and of every such instrument as the following which is in force with respect to the mine . . . , namely, orders made under this Act, regulations, transport rules, support rules, any notice served under or by virtue of this Act by an inspector on the responsible person* and any such rule regulating the conduct of persons as is mentioned in paragraph (b) of section eighty-nine of this Act; and all persons employed at the mine . . . shall be entitled to have access to that accommodation for the purpose of inspecting the documents hereby required to be provided therein.

136. (1) At all times at which persons are employed at a mine . . . there shall be kept posted thereat—

(a) a notice of the name of the mine . . . , the name and address of the owner thereof and the name or names of the manager or managers thereof;

(b) a notice of the name and address of the inspector for the district; and

(c) a notice specifying the situation of the accommodation provided in pursuance of the last foregoing section.

(2) Where, in the case of a mine . . . ,—

(a) regulations affecting it are made; or

(b) a notice is served under or by virtue of this Act by an inspector on the responsible person;*

notice of the making of the regulations or, as the case may be, of the service of the notice (specifying the regulations or, as the case may be, indicating the general nature of the notice) shall be kept posted at the mine . . . at all times during the period of six months next following the making or service of the regulations or notice at which persons are employed at the mine

(3) All notices required by this section to be posted at a mine . . . shall be posted in such characters and in such positions as to be easily seen and read by the persons employed thereat, and if a form† is specified by the Minister for any such notice, it shall be posted in that form.

* i.e. the manager (see Section 182 (1)).

† See M. & Q. Form No. 204 as regards notices under subsection (1).

137. The Minister may himself prepare and designate for the purpose of the issue thereof in accordance with the following provisions of this section to persons of any class employed at mines . . . , a book* containing such information with respect to so much of this Act, orders made thereunder and regulations as in his opinion affects persons of that class, and such other information (if any) as it appears to him requisite or expedient to bring to the notice of such persons, or may approve for the purpose aforesaid any such book* prepared by or on behalf of an owner of mines . . . ; and, where a book is for the time being designated or approved by virtue of this section for the purpose of the issue thereof to persons of any class, it shall, in the case of every mine . . . , be the duty of the responsible person†—

- (a) to give (unless he has previously done so) a copy of that book to every person on any occasion on which, after the designation or approval of the book, he begins to be employed at that mine . . . as a person of that class;
- (b) to give, as soon as it is practicable to do so, a copy of that book to every person who, at the time at which it is designated or approved, is employed at that mine . . . as a person of that class.

138. (1) It shall be the duty of every owner of mines . . . if directed so to do by the Minister, to furnish to him, within such period and in such form and manner as may be specified in the directions, such returns and statistics relating to the mines . . . which he owns, and such other information (if any) relating thereto, as may be so specified.

(2) No returns, statistics or other information obtained under the foregoing subsection shall, without the consent in writing of the person carrying on the undertaking to which the returns, statistics or other information relate, be disclosed except—

- (a) with the consent of the Minister, to a government department for the purposes of the exercise by them of any of their functions; or
- (b) in the form of a summary of similar returns, statistics or other information furnished by a number of owners of mines . . . , being a summary so framed as not to enable particulars relating to the undertaking of a particular person to be ascertained therefrom; or
- (c) for the purposes of any proceedings for an offence under this Act or any report of any such proceedings.

139. (1) In any of the following events, namely,—

- (a) the beginning of operations for the purpose of opening a mine or a seam or vein therein, the abandonment of a mine or a seam or vein therein, the expiration of the period of two months beginning with the day on which a mine or a seam or vein therein was last worked for the purpose of getting minerals or products thereof and the resumption of the working of a mine or a seam or vein therein after the abandonment thereof or after the expiration of such a period as aforesaid; and

* A book is about to be designated for workmen in miscellaneous mines and will be on sale at H.M. Stationery Office.

† i.e. the manager (see Section 182 (1)).

(b) the beginning of operations for the purpose of driving a new shaft or new outlet of a mine, the abandonment of the use of a shaft or outlet of a mine, the expiration of the period of two months beginning with the day on which a shaft or outlet of a mine was last used and the resumption of the use of a shaft or outlet of a mine after the abandonment thereof or after the expiration of such a period as aforesaid;

the owner of the mine in question shall, within two weeks after the happening of that event, give notice* thereof to the inspector for the district:

Provided that, where a mine or a seam or vein therein is abandoned after the day on which it was last worked for the purpose of getting minerals or products thereof but before the expiration of the period of two months beginning with that day, it shall not be necessary to give notice of the expiration of that period, and where the use of a shaft or outlet of a mine is abandoned after the day on which it was last used but before the expiration of the period of two months beginning with that day, it shall not be necessary to give notice of the expiration of that period.

(2) . . .

140. (1) Where a change occurs—

- (a) in the ownership of a mine . . . ; or
- (b) in the name of a mine . . . ;

the owner shall, within two weeks after the change occurs, give to the inspector for the district a notice* stating the particulars of the change.

(2) For the purposes of this section a name shall be deemed to be changed if the spelling thereof is altered.

PART X

REGULATIONS

141. (1) The Minister may make regulations for any purpose for which provision is by this Act required or authorised to be made by regulations and for prescribing anything which by this Act is required or authorised to be prescribed and generally for making provision with respect to any matter or thing with respect to which it appears to the Minister requisite or expedient to make provision for the purpose of preventing the occurrence of accidents at mines . . . , securing the safety, health or welfare of persons employed at mines . . . or maintaining proper discipline amongst them, for securing the proper care and treatment of animals employed at mines . . . and otherwise for carrying this Act into effect; and it shall be the duty of the Minister to exercise the power conferred by this subsection as regards any matter the making of provision for which is by this Act required to be made by regulations.

(2) No enactment contained in this Act making provision with respect to any matter or thing shall be taken as operating to preclude the making by regulations (consistently with that enactment) of provision with respect to that matter or thing.

(3) Any enactment contained in this Act authorising the making of provision by regulations without limitation as to the mines . . . with respect to which

* M. & Q. Form No. 212 (116).

the provision may be made shall be construed as authorising the making of provision extending to all mines . . . , any class of mines . . . or a particular mine . . . ; any enactment contained in this Act authorising the making of provision by regulations with respect to mines of a specified class shall be construed as authorising the making of provision extending either to all mines of that class, to mines within any sub-division of that class or to a particular mine of that class; and any enactment contained in this Act authorising the making of provision by regulations with respect to mines other than of a specified class shall be construed as authorising the making of provision extending either to all mines other than of the specified class, to any class of mines other than of the specified class or to a particular mine other than of the specified class.

(4) **Regulations may—**

- (a) make different provision with respect to different classes of mines . . . or different sub-divisions of a class of mines . . . and with respect to different parts of a mine . . . and, in so far as they relate to persons or to things other than mines . . . make different provision with respect to different classes of persons and of such things and with respect to the same class of persons or of such things in different circumstances;
- (b) grant exemptions from any of the provisions thereof or provide for the granting of such exemptions by the Minister or an inspector;
- (c) make provision for any incidental or supplementary matters for which the Minister thinks it expedient for the purposes of the regulations to provide.

(5) In this Act (save where, in the provisions* thereof relating to the re-enactment or continuance in force of instruments having effect under enactments repealed by this Act, the context otherwise requires) the expression "regulations" means regulations made under this section, the expression "prescribed" means prescribed by regulations and the expressions "general regulations" and "special regulations" mean respectively regulations other than those applicable to a particular mine . . . only and regulations applicable to a particular mine . . . only.

142. The provisions of Part I of the Second Schedule to this Act shall have effect with respect to the procedure for making general regulations, the provisions of Part II of that Schedule shall have effect with respect to the procedure for making special regulations and the provisions of Part III of that Schedule shall have effect with respect to any inquiry ordered to be held under the said Part I of the said Part II.

143. (1) General regulations may—

- (a) be varied or revoked by subsequent general regulations;
- (b) be rendered wholly or partly inapplicable, or varied in their application, to a particular mine . . . by special regulations applicable thereto.

(2) Special regulations may be varied or revoked by subsequent special regulations and may be revoked by general regulations, and a provision of general regulations which revokes special regulations shall be deemed not to be a special regulation.

* See Sections 190 and 191.

PART XI INSPECTORS

144. (1) The Minister may appoint such inspectors (under whatever title he may from time to time determine) as he thinks necessary for the execution of this Act, and assign to them their duties, and may appoint a chief inspector with an office in London, and may determine the cases and manner in which inspectors, or any of them, are to execute and perform the powers and duties of inspectors under this Act, and may remove such inspectors.

(2) It shall be the duty of the Minister to satisfy himself, with respect to any person whom he proposes to appoint to be an inspector, that that person will have no such interest (whether financial or of any other kind) as is likely to affect him in the exercise and performance of his powers and duties as an inspector.

(3) In the assignment of inspectors for duty in Wales or Monmouthshire, among candidates otherwise equally qualified, persons having a knowledge of the Welsh language shall be preferred.

(4) The Minister may pay to inspectors appointed under this section such salaries as he may determine.

(5) An inspector shall not be liable to serve on any jury.

(6) Such annual report of the proceedings of the inspectors as the Minister directs shall be laid before both Houses of Parliament.

145. (1) An inspector shall, for the purpose of the execution of this Act, have power to do all or any of the following things, that is to say:

(a) at any time (whether by day or by night) to enter a mine, . . . or central rescue station and to inspect the whole or any part thereof, anything thereat and any animals employed for the purposes thereof;

(b) to make such examination and inquiry as may be necessary—

(i) to ascertain whether, so far as regards a mine, . . . or central rescue station or persons or animals employed thereat, the following are complied with, namely, the provisions of this Act, orders made thereunder and regulations, any direction, prohibition, restriction or requirement given or imposed by a notice served under or by virtue of this Act by an inspector and any condition attached to any exemption, consent, approval or authority granted or given under or by virtue of this Act by the Minister or an inspector; or

(ii) to ascertain any matter appearing to the inspector to affect or relate to the safety or health of persons employed at a mine, . . . or central rescue station or the care or treatment of animals employed thereat and in particular (but without prejudice to the generality of the foregoing words) the causes and circumstances of any accident or other occurrence at a mine . . . , being in either case one of which notice is required by this Act to be given;*

(c) on entering any premises, to take with him a constable if he has reasonable cause to apprehend any serious obstruction in the exercise of the powers conferred on him by this subsection or, for the purpose of any examination or inquiry relating to the care or treatment of animals, a duly qualified veterinary surgeon;

* See Sections 116 to 118.

(d) for the purpose of any examination or inquiry under the foregoing provisions of this subsection—

(i) to require any person whom he finds at a mine . . . or central rescue station, or whom he has reasonable cause to believe to be, or to have within the preceding two months been, employed at a mine, . . . or central rescue station, to answer, in the absence of persons other than a person nominated by him to be present and any persons whom the inspector may allow to be present, such questions as the inspector thinks fit to ask, so however, that no answer given by a person in pursuance of a requirement imposed under this subparagraph shall be admissible in evidence against him in any proceedings;

(ii) to take samples of any articles or substances found at a mine . . . and . . . of the atmosphere therein; and

(iii) to take possession of any machinery, apparatus or other article whatsoever at a mine . . . which appears to him to have caused, or to be likely to cause, danger to safety or health and cause it to be dismantled or subjected to any process or test, notwithstanding that it is thereby damaged or destroyed;

(e) to require the production of, and to inspect,—

(i) any registers, books, plans or other documents which by, or by virtue of, this Act are required to be kept; and

(ii) any other documents, being documents which are in the possession or under the control of the owner or manager of a mine . . . and are relevant for the purposes of an examination or inquiry under the foregoing provisions of this section;

(f) to require the manager of a mine to mark on any plan of workings in the mine produced in compliance with a requirement imposed under the last foregoing paragraph the state, as at the time of the imposition of the requirement, of those workings or of such of them as may be specified in the requirement;

(g) to require any person having responsibilities in relation to a mine . . . (whether or not the owner or a manager or any other person employed thereat) to give him such facilities and assistance with respect to any matters or things to which the responsibilities of that person extend as are necessary for the purpose of enabling the inspector to exercise any of the powers conferred on him by this subsection;

(h) to exercise such other powers as may be necessary for carrying this Act into effect.

(2) A person who—

(a) fails to comply with any requirement imposed by an inspector under this section; or

(b) prevents, or attempts to prevent, any other person from appearing before an inspector or from answering any question to which an inspector may, by virtue of the foregoing subsection, require an answer; or

- (c) without permission granted by an inspector, removes from a mine . . . or conceals or tampers with, any machinery, apparatus or other article of which possession has been taken by an inspector under this section; or
- (d) obstructs an inspector in the exercise or performance of his powers or duties;

shall be guilty of an offence.

146. (1) If an inspector is of opinion that a mine . . . or any part thereof or any matter, thing or practice at a mine . . . or connected with the control or management of a mine . . . is or is likely shortly to become dangerous to the safety or health of the persons employed at the mine . . . or any of them, he may serve on the responsible person* a notice stating that he is of that opinion and giving particulars of the reason why he is of that opinion, and imposing upon the responsible person such prohibitions or restrictions or requirements (of whatsoever kind) as appear to the inspector to be necessary for the purpose of safeguarding the safety or health of the persons employed at the mine

(2) Nothing in this section shall authorise the service by an inspector of a notice with respect to a mine in a case in which the service by an inspector of a notice on the manager of that mine is authorised by section sixty-eight or seventy-eight of this Act.

PART XII

GRANT, CANCELLATION AND SUSPENSION OF CERTIFICATES†

147. (1) . . .

(2) If any certificate which by or by virtue of this Act is to be granted by the Minister on the recommendation of the said [Mining Qualifications] Board is defaced, lost or destroyed, the Minister may, on payment of such fee (if any) as he may, with the approval of the Treasury, determine and on such terms as to evidence as he thinks fit (and, in a case in which the certificate is defaced, on the surrender thereof) issue a duplicate of the certificate.

148. (1) There shall be a Board, to be called the Mining Qualifications Board (in this and the next following section referred to as "the Board") which shall have the duty of ascertaining the fitness of candidates for such certificates as by or by virtue of this Act are to be granted on their recommendation.

(2) The Board shall consist of a chairman and not less than seven nor more than ten‡ other members appointed by the Minister, who shall include persons appearing to him to have experience respectively of mining, education and administration:

Provided that during any period during which the holding of a certificate granted on the recommendation of the Board is a qualification prescribed by regulations having effect by virtue of Part IV§ of this Act, the maximum number of the members of the Board, other than the chairman, shall be twelve instead of ten, and of the members of the Board two shall be persons appearing to the Minister to have experience in quarrying.

* i.e. the manager (see Section 182 (1)).

† At present, there are no such certificates required at any mine to which this volume relates, and in the meantime this Part of the Act is not applicable to such mines. It is, however, reproduced here, in smaller type, in case of possible future application.

‡ The Mining Qualifications Board consists at present of a chairman and eight members. It is not intended to appoint the other two members unless regulations are made under Section 4 (4) about the qualifications of managers of mines to which this volume relates, in which case the two additional members are likely to be persons having experience of mining in such mines.

§ Part IV of the Act applies only to quarries.

(3) Every member of the Board shall hold and vacate his office in accordance with the terms of his appointment and shall, on ceasing to be a member, be eligible for re-appointment:

Provided that—

- (a) no appointment or re-appointment of a member of the Board shall be for a term exceeding five years;
- (b) a member of the Board may at any time by notice in writing to the Minister resign his office.

(4) The Minister may pay to the chairman of the Board such remuneration and to all the members of the Board such allowances as he may, with the approval of the Treasury, determine.

(5) The Board may act notwithstanding a vacancy amongst the members thereof.

(6) The procedure of the Board and the quorum thereof shall be such as may be specified in rules made by them, but rules under this subsection shall be of no effect unless they are approved by the Minister.

(7) The expenses of the Board (including any remuneration or allowances payable to examiners appointed by them) shall be defrayed by the Minister.

149. (1) The Board shall make rules specifying the qualifications required of persons in order for them to be recommended for the grant of certificates which by or by virtue of this Act are to be granted by the Minister on the Board's recommendation and the manner in which the possession of such qualifications is to be ascertained and (where the rules provide for the ascertainment of the possession of qualifications by means of an examination held by the Board) specifying particulars of the examination.

(2) The said rules may not only specify subjects in which proficiency is required and the degree of proficiency required in each subject, but may also require a person who seeks the grant of any such certificate as aforesaid—

- (a) to have attained, before entering his name for any such examination as aforesaid or before being recommended for the grant of the certificate, such age as may be specified in the rules;
- (b) to have such practical experience of such matters as may be so specified;
- (c) to have attended such courses of instruction as may be so specified;
- (d) to be of good character.

(3) The said rules may provide for the granting of exemptions from any provisions thereof relating to the undergoing of examinations, the possession of practical experience and the attendance at courses of instruction in such cases as may be specified in the rules.

(4) Examinations the holding of which is provided for by rules under this section shall be held at such times and places as the Board may determine and shall be conducted in accordance with rules made by them; and the Board may (subject to the approval of the Minister as to number) appoint examiners for the purposes of such examinations and pay them such remuneration and allowances as the Board may, with the approval of the Minister and the Treasury, determine.

(5) Rules under this section shall be of no effect unless they are approved by the Minister.

(6) There shall be payable to the Board by persons who seek the grant of such certificates as are mentioned in subsection (1) of this section such fees as may be specified in an order made by the Minister with the approval of the Treasury, and any fees received by the Board under this subsection shall be paid by them to the Minister.

150. (1) On the conviction of an offence under this Act of the holder of a certificate granted by the Minister under or by virtue of this Act, the court by which he is convicted may, on an application for that purpose made on behalf of the Minister, cancel or suspend the certificate in addition to or instead of imposing any other penalty to which the person convicted may be liable if, having regard to the nature of the offence and the circumstances in which it was committed, the court is of opinion that that person is unfit to continue to hold the certificate:

Provided that the court shall not exercise the power conferred by this subsection unless—

- (a) notice of intention to make an application thereunder has been served on the person convicted at the same time as the service or execution of the summons or warrant issued in pursuance of the information charging him with the offence of which he is convicted; and
- (b) the said person has, on pleading to the charge, been given an opportunity to elect, but has not elected, to have the question of the cancellation or suspension of his certificate inquired into under subsection (3) of this section.

(2) Where, under the foregoing subsection, a court cancels or suspends a certificate held by a person, he shall have the same right of appeal as if the cancellation or suspension were a sentence passed by the court on his conviction.

(3) The Minister may, in the case of a person who is the holder of any such certificate as aforesaid with respect to whom a representation is made to the Minister by an inspector or otherwise that that person is, by reason of incompetence or gross negligence or misconduct in the performance of duties of his with respect to a mine . . . , unfit to continue to hold the certificate, and shall, in the case of a person who is the holder of such a certificate and has made an election under paragraph (b) of the proviso to subsection (1) of this section, cause inquiry to be made into the question whether or not he is fit to continue to hold the certificate by a tribunal which shall have power to cancel or suspend the certificate if it finds that by reason aforesaid or, as the case may be, that having regard to the offence and the circumstances in which it was committed, he is unfit to continue to hold the certificate.

(4) The provisions of Part I of the Third Schedule to this Act shall have effect with respect to the constitution and procedure of the tribunal holding an inquiry under the last foregoing subsection and with respect to the holding of the inquiry.

(5) Where, under subsection (1) of this section, an application is made to a court for the cancellation or suspension of a certificate and the holder does not elect under paragraph (b) of the proviso to that subsection to have the question of the cancellation or suspension inquired into under subsection (3) of this section, no inquiry into his conduct shall be held by a tribunal under this section on the same grounds as those considered by the court; and where an inquiry is held by a tribunal under this section into the conduct of the holder of a certificate, no application to a court for the cancellation or suspension of the certificate shall be made under subsection (1) of this section on the same grounds as those considered at the inquiry.

(6) The Minister may at any time, if it is shown to him to be just so to do, restore a certificate cancelled under this section or shorten the period for which a certificate is suspended thereunder.

(7) A certificate suspended under this section shall, during the period of suspension, be of no effect.

(8) The provisions of Part II of the Third Schedule to this Act shall have effect with respect to the delivery up of a certificate to a court or tribunal and with respect to the subsequent proceedings with respect to a certificate so delivered up, and the provisions of Part III of that Schedule shall have effect for the purposes of the application to Scotland of Parts I and II thereof.

(9) This section shall in its application to Scotland have effect as if in paragraph (a) of the proviso to subsection (1) for the words "or execution of the summons or warrant issued in pursuance of the information" there were substituted the words "of the complaint or indictment".

PART XIII

FENCING OF ABANDONED AND DISUSED MINES . . .

151. (1) It shall be the duty of the owner* of every abandoned mine and of every mine which, notwithstanding that it has not been abandoned, has not been worked for a period of twelve months to secure that the surface entrance to every shaft or outlet thereof is provided with an efficient enclosure, barrier, plug or other device so designed and constructed as to prevent any person from accidentally falling down the shaft or from accidentally entering the outlet and that every device so provided is properly maintained:

Provided that this subsection shall not apply to mines which have not been worked for the purpose of getting minerals or products thereof since the ninth day of August, eighteen hundred and seventy-two . . .

(2) For the purposes of Part III of the Public Health Act, 1936, each of the following shall be deemed to be a statutory nuisance that is to say:

- (a) a shaft or outlet of an abandoned mine (other than a mine to which the proviso to the foregoing subsection applies) or of a mine (other than as aforesaid) which, notwithstanding that it has not been abandoned, has not been worked for a period of twelve months, being a shaft or outlet the surface entrance to which is not provided with a properly maintained device such as is mentioned in that subsection;
- (b) a shaft or outlet of a mine to which the proviso to the foregoing subsection applies, being a shaft or outlet with respect to which the following conditions are satisfied, namely,—

- (i) that its surface entrance is not provided with a properly maintained device such as is mentioned in that subsection; and
- (ii) that, by reason of its accessibility from a highway or a place of public resort, it constitutes a danger to members of the public; and

(c) . . .

(3) Any expenses incurred, by reason of the operation of Part III of the Public Health Act, 1936, by a person other than the owner (as defined for the purposes of this Act) of a mine . . . for the purpose of abating, or preventing the recurrence of, a nuisance under the last foregoing subsection or in reimbursing a local authority in respect of the abatement, or prevention of the recurrence, of such a nuisance shall, subject to any agreement to the contrary, be recoverable by that person from the owner (as so defined) of the mine . . .

(4) In the application of this section to the administrative county of London, for references to Part III of the Public Health Act, 1936, and to a statutory nuisance there shall be respectively substituted references to section two hundred and eighty-two of, and the Fifth Schedule to, the Public Health (London) Act, 1936, and to a nuisance which may be dealt with summarily under that Act.

* See definition in Section 181.

(5) In the application of this section to Scotland, for references to Part III of the Public Health Act, 1936, to a statutory nuisance and to the abatement thereof, there shall be respectively substituted references to Part II of the Public Health (Scotland) Act, 1897, to such a nuisance as is mentioned in paragraph (1) of section sixteen of that Act and to the removal thereof.

PART XIV

OFFENCES, PENALTIES AND LEGAL PROCEEDINGS

152. (1) In the event of a contravention,* in relation to a mine, of—

- (a) a provision of this Act, of an order made thereunder or of regulations, not being a provision which expressly provides that a person is to be guilty of an offence†; or
- (b) a direction, prohibition, restriction or requirement given or imposed by a notice served under or by virtue of this Act by an inspector; or
- (c) a condition attached to an exemption, consent, approval or authority granted or given under or by virtue of this Act by the Minister or an inspector;

each of the following persons shall, subject to the following provisions of this Act, be guilty of an offence, namely, the owner of the mine, any person to whom written instructions have been given by the owner in pursuance of section one of this Act specifying as, or including amongst, the matters with respect to which that person is charged with securing the fulfilment in relation to the mine of statutory responsibilities of the owner, matters of the class to which the provision, direction, prohibition, restriction, requirement or condition relates, the manager of the mine, any person who is for the time being treated for the purposes of this Act as the manager, every under-manager of the mine and any person who is for the time being treated for the purposes of this Act as an under-manager thereof.

(2) . . .

(3) In the event of a contravention, in relation to a mine, by a person other than one mentioned in subsection (1) of this section, of such a provision as is mentioned in paragraph (a) of that subsection, being a provision which expressly imposes on that person or on persons of a class to which he belongs a duty or requirement or expressly prohibits him or persons of a class to which he belongs or all persons from doing a specified act, the person who contravened that provision, as well as the persons mentioned in the said subsection (1), shall be guilty of an offence,

(4) Neither the manager of a mine as such, . . . nor a person who is for the time being treated for the purposes of this Act as the manager of a mine . . . , nor an under-manager of a mine, nor a person who is for the time being treated for the purposes of this Act as such as under-manager shall, by virtue of subsection (1) . . . of this section, be guilty of an offence by reason of a contravention by the owner of the mine . . . of—

* a "contravention" includes a failure to comply (see definition in Section 182 (1)).

† A list of provisions which expressly provide that a person is to be guilty of an offence is given in Appendix 2.

- (a) any provision of this Act, of an order made thereunder or of regulations, being a provision which expressly imposes on the owner of the mine . . . a duty or requirement or a prohibition; or
- (b) any prohibition, restriction or requirement which, by virtue of a notice served under or by virtue of this Act by an inspector is expressly imposed on the owner of the mine . . . ;

or of a contravention of section three . . . of this Act.

153. Without prejudice to the operation—

- (a) as respects England and Wales, of section eight of the Accessories and Abettors Act, 1861, and section thirty-five of the Magistrates' Courts Act, 1952; and
- (b) as respects Scotland, of section sixty-one of the Criminal Procedure (Scotland) Act, 1887, and section two of the Summary Jurisdiction (Scotland) Act, 1954;

any person who induces or procures, or consents to or connives at, the commission of an offence under this Act, shall be guilty of an offence.

154. (1) If any persons are employed at a mine . . . otherwise than in accordance with the provisions of this Act, orders made thereunder and regulations, there shall be deemed to be a separate contravention in respect of each person so employed.

(2) If a person acts as manager of a mine in contravention of the provisions of subsection (1) of section five of this Act, of any condition attached to an approval granted under that subsection or of a direction given by a notice served under subsection (2) of that section, there shall be deemed to be a separate contravention in relation to each mine as manager of which he acts.

155. (1) A person guilty of an offence under this Act for which no express penalty* is provided shall be liable—

- (a) if he is the owner of a mine . . . , a person to whom instructions have been given by the owner of a mine . . . in pursuance of section one of this Act, the manager of a mine . . . , a person who is for the time being treated for the purposes of this Act as the manager of a mine . . . , an under-manager of a mine, a person who is for the time being treated for the purposes of this Act as such an under-manager or the surveyor for a mine, to a fine not exceeding two hundred pounds; and
- (b) if not, to a fine not exceeding twenty pounds;

and, if the contravention in respect of which he was convicted is continued after the conviction, he shall be guilty of a further offence and liable, in respect thereof, to a fine not exceeding five pounds for each day on which the contravention is so continued.

(2) Where the court by which a person is convicted of any such offence as aforesaid is satisfied that the contravention in respect of which he is convicted—

* Express penalties are provided in subsection (2) of this Section, and in Sections 160, 161 and 162.

(a) was likely to cause the death of, or serious bodily injury* to, a person employed at the mine or quarry in relation to which the contravention occurred or a dangerous accident; or

(b) was likely to endanger the safety of any such person;

the court may impose upon the person convicted (either in addition to, or in substitution for, a fine) imprisonment for a term not exceeding three months.

156. In any proceedings under this Act which, by virtue of subsection (1) . . . of section one hundred and fifty-two of this Act, are taken against a person in respect of the contravention by a person other than himself of—

(a) a provision of the Act, of an order made thereunder or of regulations, being a provision which expressly imposes on that other person or on persons of a class to which, at the time of the contravention, he belonged, a duty or requirement or expressly prohibits him or persons of such a class or all persons from doing a specified act; or

(b) a prohibition, restriction or requirement which by virtue of a notice served under or by virtue of this Act by an inspector is expressly imposed on that other person;

it shall be a defence for the person charged to prove that he used all due diligence to secure compliance with the provision, prohibition, restriction or requirement, as the case may be.

157. It shall be a defence in any legal proceedings to recover damages and in any prosecution, in so far as the proceedings or prosecution are or is based on an allegation of a contravention, in relation to a mine . . . , of—

(a) a provision of this Act, of an order made thereunder or of regulations (not being a provision which expressly provides that a person is to be guilty of an offence); or

(b) a direction, prohibition, restriction, or requirement given or imposed by a notice served under or by virtue of this Act by an inspector; or

(c) a condition attached to an exemption, consent, approval or authority granted or given under or by virtue of this Act by the Minister or an inspector;

to prove that it was impracticable to avoid or prevent the contravention.

158. (1) In any proceedings which, by virtue of subsection (1) of section one hundred and fifty-two of this Act are taken, in respect of such a contravention as is mentioned in that subsection against an under-manager of a mine acting as such, being an under-manager whose jurisdiction is limited to part only of the mine, it shall be a defence for him to prove that the contravention did not take place in, or in relation to, the part of the mine to which his jurisdiction was limited and that no act or omission of his caused or contributed to the contravention.

(2) The foregoing subsection shall apply to a person who is for the time being treated for the purposes of this Act as an under-manager of a mine, being a person whose jurisdiction is limited to part only of the mine, as it applies to an under-manager whose jurisdiction is so limited.

* As defined in Section 182 (1).

159. For the removal of doubts it is hereby declared that the owner of a mine . . . is not absolved from liability to pay damages in respect of a contravention, in relation to the mine . . . , by a person employed by him of—

- (a) a provision of this Act, of an order made thereunder or of regulations; or
- (b) a prohibition, restriction or requirement imposed by a notice served under or by virtue of this Act by an inspector;

by reason only that the provision contravened was one which expressly imposed on that person or on persons of a class to which, at the time of the contravention, he belonged, a duty or requirement or expressly prohibited that person, or persons of such a class or all persons from doing a specified act or, as the case may be, that the prohibition, restriction or requirement was expressly imposed on that person or that that person was, in pursuance of this Act or regulations, appointed by a person other than the owner.

160. If a young person* is employed at a mine . . . in contravention of the provisions of this Act, the parent† of the young person shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding twenty pounds, unless it appears to the court that the contravention occurred without the consent, connivance or wilful default of the parent.

161. (1) If a person—

- (a) with intent to deceive, forges or uses or lends to, or allows to be used by, another person a certificate granted under or by virtue of this Act by the Minister, or makes or has in his possession a document so closely resembling any such certificate as to be calculated to deceive; or
- (b) for the purpose of obtaining for himself or another person—
 - (i) the grant of any such certificate or the issue of a duplicate thereof or the restoration of any such certificate or a shortening of any period for which any such certificate is suspended; or
 - (ii) employment as manager or under-manager of a mine or as surveyor for a mine, or employment in an office the appointment to which is required by or by virtue of this Act to be made by the manager of a mine; or
 - (iii) . . .

makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular, or produces, furnishes, sends or otherwise makes use of a document which he knows to be false in a material particular or recklessly produces, furnishes, sends or otherwise makes use of a document which is false in a material particular; or

- (c) wilfully makes a false entry in any register, book, notice or other document required by or by virtue of this Act to be kept, served or given or, with intent to deceive, makes use of any such entry which he knows to be false; or

* See also Section 166.

† As defined in Section 182 (1).

- (d) in purported compliance with a requirement imposed by or by virtue of this Act to furnish any returns, statistics or other information or to inform a person of the substance of any instructions, makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular; or
- (e) discloses any return, statistics or other information in contravention of this Act; or
- (f) on being required under paragraph (f) of subsection (1) of section one hundred and forty-five of this Act to mark on a plan the state of any workings, marks it thereon in a way which he knows to be false in a material particular or recklessly marks it thereon in a way which is false in a material particular; or
- (g) falsely pretends to be an inspector;

he shall be guilty of an offence, and liable—

- (i) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both;
- (ii) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding two hundred pounds or to both.

(2) In this section the expression “forges” has, in the application thereof to England and Wales, the same meaning as in the Forgery Act, 1913.

162. If, without reasonable excuse, a person removes, injures or defaces—

- (a) a notice which is for the time being posted at a mine . . . in pursuance of any provision of this Act or regulations; or
- (b) a document which, in pursuance of section one hundred and thirty-five of this Act, is for the time being provided in accommodation provided in pursuance of that section;

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding five pounds.

163. (1) Any offence under this Act with respect to the trial of which no express provision is made by this Act may be tried either summarily or upon indictment.

(2) A magistrates' court shall, in any proceedings for an offence under this Act, if required by either party, cause a note of the evidence to be taken and preserved.

(3) Where, in consequence of an accident or other occurrence at a mine . . . , a special report is made in pursuance of this Act by an inspector, a report is made by a person appointed under this Act to hold a public inquiry or a coroner's inquest is held, and it appears from the report or from the proceedings at the inquest that, at or before the time of the accident or other occurrence, there was a contravention, in relation to the mine . . . , of—

- (a) a provision of this Act, of an order made thereunder or of regulations; or
- (b) a direction, prohibition, restriction or requirement given or imposed by a notice served under or by virtue of this Act by an inspector; or

(c) a condition attached to an exemption, consent, approval or authority granted or given under or by virtue of this Act by the Minister or an inspector;

summary proceedings against any person liable to be proceeded against in respect of the contravention may be commenced at any time within three months after the making of the report or the conclusion of the inquest.

(4) Summary proceedings against any person liable to be proceeded against in respect of a contravention of provisions of regulations having effect by virtue of subsection (1) of section seventeen or subsection (1) of section twenty of this Act may be commenced at any time within three months from the date on which evidence sufficient in the opinion of the Minister to justify a prosecution for the contravention comes to the knowledge of the Minister.

For the purposes of this subsection, a certificate of the Minister as to the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence thereof.

(5) Where an offence is committed under this Act by reason of a failure to give a notice, enter a report or do any other thing at or within a time specified by this Act, an order made thereunder, regulations or a notice served under or by virtue of this Act by an inspector, the offence shall be deemed to continue until the notice is given, the report entered or the other thing done, as the case may be.

(6) In the application of this section to Scotland, for any reference to a coroner's inquest there shall be substituted a reference to an inquiry under the Fatal Accidents Inquiry (Scotland) Act, 1895, and for any reference to evidence sufficient to justify a prosecution there shall be substituted a reference to evidence sufficient to justify a report to the Lord Advocate with a view to consideration of the question of prosecution.

164. No proceedings for an offence under this Act shall, in England or Wales, be instituted against any such person as is mentioned in paragraph (a) of subsection (1) of section one hundred and fifty-five of this Act except by an inspector or by or with the consent of the Minister or the Attorney General.

165. (1) An owner or manager of a mine . . . by whom are instituted proceedings against a person employed at the mine . . . for an offence under this Act shall, within twenty-one days after the conclusion of the trial of that person for that offence, give to the inspector for the district notice* of the result of the trial and shall also, within twenty-one days after the conclusion of any proceedings by way of appeal arising out of the trial, give to the inspector for the district notice* of the result of those proceedings.

(2) For the purposes of this section the bringing of proceedings before the High Court to quash a conviction by order of certiorari shall be deemed to be an appeal.

166. For the purposes of any proceedings under this Act in respect of the employment of children in contravention of section fourteen of the Education Act, 1918, section seventeen of the Education (Scotland) Act, 1918, or section one of the Employment of Women, Young Persons and Children Act, 1920

* M. & Q. Form No. 209 (33).

(being enactments which prohibit the employment of children in . . . mines . . . and, so far as they relate to mines . . . , are incorporated with this Act), the references in section one hundred and sixty of this Act to a young person shall be construed as including references to a child within the meaning of the said section fourteen, the said section seventeen or the said section one, as the case may be.

167. Any sum paid to the Secretary of State in pursuance of section twenty-seven of the Justices of the Peace Act, 1949, in respect of a fine recovered under this Act shall be deemed to be Exchequer moneys within the meaning of that section and shall be paid by the Secretary of State into the Exchequer.

PART XV

MISCELLANEOUS AND GENERAL

Supplementary Provisions

168. (1) Where two or more parts of a mine are worked separately, then, if the owner of the mine by notice served on the inspector for the district so requires, each such part shall, until the notice is withdrawn by a subsequent notice served by the owner on the inspector for the district, be treated for the purposes of this Act as a separate mine:

*Provided that, where the parts of a mine worked separately, or any of them, have a common system of ventilation or any part of a system of ventilation in common, a notice under this subsection requiring that each part of the mine that is worked separately shall be treated as a separate mine shall be of no effect unless it is approved by an inspector by notice served on the owner of the mine.

(2) A notice under the foregoing subsection requiring that each part of a mine worked separately shall be treated as a separate mine shall be of no effect unless it specifies the points of separation of all roads connecting the parts of the mine that are worked separately.

(3) If an inspector is of opinion with respect to a mine whereof parts are, by virtue of this section, for the time being treated for the purposes of this Act as separate mines, that the division of the mine prejudices or is likely to prejudice the safety or health of the persons employed thereat (or any of them), he may serve on the owner of the mine a notice directing that subsection (1) of this section shall cease to apply to the mine.

The provisions of this Part of this Act with respect to references upon notices served by inspectors shall apply to a notice served under this subsection.

169. . . .

170. (1) The following provisions of this section shall apply in relation to any notice served under any provision of this Act or regulations by an inspector on the owner or manager of a mine . . . , being a notice which is expressly declared to be one to which the provisions of this Part of this Act with respect to references upon notices served by inspectors are to apply.†

* See also Section 182 (2).

† A list of such notices is given in Appendix 3.

(2) If the person on whom any such notice is served or, in a case where it is served on two or more persons, any of them, by a counter-notice duly served on the inspector who served the notice demands a reference upon the notice, it shall stand referred to a person or persons selected by the nominated selector (as hereinafter defined) from amongst the members of that one of the panels of persons appointed by the Minister under this section which is appropriate to the circumstances of the case:

Provided that, if the said selector is satisfied that special reasons exist which render it expedient for him to act as referee instead of a person or persons selected as aforesaid, he may direct that the notice shall stand referred to him.

(3) On a reference under this section upon any such notice, any of the following persons may appear in person or be represented, and may give evidence and call such witnesses as he thinks fit, that is to say:

- (a) any person on whom the notice was served;
- (b) any inspector;
- (c) any association or body representative of a majority of the total number of persons employed at the mine . . . to which the notice relates;
- (d) any other persons appearing to the referee or referees to be affected by the notice or any association or body representative of any such persons.

(4) The following provisions shall have effect with respect to the quashing or confirmation of any such notice upon a reference thereon under this section, namely,—

- (a) if no relevant ground of objection to the notice is established to the satisfaction of the referee or referees, he or they shall confirm the notice;
- (b) if a relevant ground of objection is so established, the referee or referees shall quash the notice unless he or they is or are of opinion that the objection can be met by modification of the notice, in which case the referee or referees shall confirm the notice subject to such modification as appears to him or them to meet the objection;

and where the notice is confirmed subject to any modification it shall take effect as modified.

(5) For the purposes of the last foregoing subsection—

(a) in the case of any such notice served under a provision of this Act (other than subsection (3) of section one hundred and sixty-eight), any of the following grounds which are appropriate to the circumstances of the case shall be a relevant ground of objection, namely,—

(i) that compliance with a prohibition, restriction or requirement sought to be imposed by or by virtue of the notice is, wholly or to a particular extent, unnecessary, inadvisable for reasons of safety or impracticable;

(ii) that any period limited by the notice is insufficient for the purpose of enabling any works to be executed or other thing done;

(b) in the case of a notice served under the said subsection (3), the relevant ground of objection shall be that the division of the mine to which the notice relates neither prejudices nor is likely to prejudice the safety or health of any of the persons employed at the mine;

(c) in the case of a notice served under any provision of regulations, the relevant ground or grounds of objection shall be such as may be prescribed.

(6) Save as otherwise expressly provided by this Act or regulations, any such notice shall not become operative in any event until the expiration of the period within which a reference thereon may be demanded under this section or, if within that period such a reference is so demanded, until the notice is confirmed by the referee or referees.

(7) The quashing under this section of any such notice shall neither be taken to prevent the service by an inspector of a fresh notice nor, if the notice became operative before it was quashed, affect the previous operation thereof.

(8) The Minister may—

(a) constitute such number as he thinks fit of panels of persons from whom referees may be selected for the purposes of references under this section and, as respects each panel, may designate the cases in which it is to be treated for the purposes of this section as the appropriate panel;

(b) make rules* for regulating such references and, in particular, for making provision with respect to the costs of such references (including the payment of remuneration and allowances to referees) and for specifying the form of a counter-notice under subsection (2) of this section and the period within which such a notice must be served;

and different periods may be specified by rules under paragraph (b) of this subsection in relation to the service of counter-notices relating to notices served under different provisions of this Act or regulations.

(9) The reference in subsection (2) of this section to the nominated selector shall be construed as referring to such person as may for the time being be nominated by the Minister, after consultation with the Lord Chancellor and the Lord President of the Court of Session, to discharge the duty of selecting referees to act upon references under this section.

171. Where the natural language of communication of the persons employed at a mine . . . or of a substantial number of those persons is Welsh, then, in considering the qualifications of candidates for appointments required, by or by virtue of this Act, to be made in the case of that mine . . . , regard shall be had to the possession of a knowledge of that language.

172. Where the Minister is of opinion, with respect to mines . . . of any class, that by reason of the nature or amount of work involved, or of the shortness of the period during which the mines . . . are expected to be worked or other special circumstances affecting them, it would not be right to require compliance with a particular provision of Part III or, as the case may be, Part V of this Act forthwith after the commencement of this Act, he may by order exempt mines . . . of that class from that provision for such period, not exceeding five years

* See the Mines and Quarries (Reference) Rules, 1956, page 124.

beginning with the commencement of this Act, as may be specified in the order; and where an inspector is of the like opinion with respect to a particular mine . . . , he may by notice served on the responsible person* exempt the mine . . . from that provision for such period, not exceeding five years beginning with the commencement of this Act, as may be specified in the notice.

173. Any power conferred by this Act to make an order or rule shall be construed as including a power, exercisable in the like manner and subject to the like conditions, if any, to revoke or vary the order or rule.

174. The powers conferred by this Act on the Minister to make orders, rules and regulations and on the Minister and the Minister of Labour and National Service to make orders shall be exercisable by statutory instrument which (except in the case of special regulations or of an order expressed to relate only to a particular mine . . . or a particular set of premises) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

175. (1) A notice required or authorised by or by virtue of this Act to be served on or given to an inspector may be served or given by delivering it to him or by leaving it at, or sending it by post to, his office.

(2) A notice required or authorised by or by virtue of this Act to be served on or given to the owner of a mine . . . may be served or given—

(a) where the owner is an individual, by delivering it to him, by leaving it at the office at the mine . . . or by sending it by post addressed to him at his usual or last known place of abode or the proper postal address of the mine . . . ;

(b) where the owner is a body corporate, by delivering it to the secretary or clerk to the body at their registered or principal office or by sending it by post addressed to the secretary or clerk to the body at that office;

(c) where the owner is a firm, by delivering it to any partner of the firm or by leaving it at, or sending it by post to, the office of the firm.

(3) A notice required or authorised by or by virtue of this Act to be served on or given to the manager of a mine . . . may be served or given by delivering it to him, by leaving it at the office at the mine . . . or by sending it by post addressed to him at the proper postal address of the mine

(4) The foregoing provisions of this section shall apply to the sending or lodging of any document as they apply to the giving of a notice.

176. (1) Any power conferred by this Act or regulations on the Minister or an inspector to grant, give or impose an exemption, consent, approval, authority, direction, requirement, prohibition or restriction or to make a determination shall be construed as including a power exercisable in the like manner and subject to the like conditions, if any, to vary or revoke the exemption, consent, approval, authority, direction, requirement, prohibition, restriction or determination.

(2) Any exemption, consent, approval or authority granted or given under this Act or regulations by the Minister or an inspector may (subject to any express provision of this Act or regulations) be without limit of period or limited so as to expire on a specified date unless renewed, and may be absolute or conditional.

* i.e. the manager (see Section 182 (1)).

177. The Minister may charge, in respect of the testing by him of any articles with a view to the certification or approval thereof for the purposes of this Act or regulations, such fees as he may, with the approval of the Treasury, determine.

178. Any expenses incurred under or by virtue of this Act by the Minister shall be defrayed out of moneys provided by Parliament and any sums received under or by virtue of this Act by the Minister shall be paid into the Exchequer.

179. This Act shall apply to mines . . . belonging to Her Majesty in right of the Crown or to a Government department or held in trust for Her Majesty for the purposes of a Government department.

Interpretation

180. (1) *In this Act the expression "mine" means an excavation or system of excavations made for the purpose of, or in connection with, the getting, wholly or substantially by means involving the employment of persons below ground, of minerals (whether in their natural state or in solution or suspension) or products of minerals.

(2) . . .

(3) For the purposes of this Act—

(a) there shall be deemed to form part of a mine so much of the surface (including buildings, structures and works thereon) surroundings or adjacent to the shafts or outlets of the mine as is occupied together with the mine for the purpose of, or in connection with, the working of the mine, the treatment, preparation for sale, consumption or use, storage or removal from the mine of the minerals or products thereof gotten from the mine or the removal from the mine of the refuse thereof; and

(b) . . .

Provided that there shall not, for the said purposes, be deemed to form part of a mine . . . premises in which a manufacturing process is carried on otherwise than for the purpose of the working of the mine . . . or the preparation for sale of minerals gotten therefrom.

†(4) For the purposes of this Act premises for the time being used for depositing refuse from a single mine . . . , being premises exclusively occupied by the owner of that mine . . . , shall be deemed to form part of that mine . . . , and premises for the time being used for depositing refuse from two or more mines or quarries, being premises occupied by the owner of one of those mines or quarries (either exclusively or jointly with the owner of the other or any of the others) shall be deemed to form part of such one of those mines or quarries as the Minister may direct.

†(5) For the purposes of this Act a railway line serving a single mine . . . (not being a railway line falling within subsection (3) of this section or a railway line belonging to a railway company)‡ shall be deemed to form part of that

* See also Section 191 (7).

† Premises used for depositing rubbish, or a railway line, may be used for the purposes of a mine and a quarry in the same ownership. References to quarries as well as mines have therefore been retained, where appropriate, in the extracts from these two subsections.

‡ As defined in Section 182 (1).

mine . . . and a railway line jointly serving two or more mines or quarries (not being a railway line falling within subsection (3) of this section or a railway line belonging to a railway company) shall be deemed to form part of such one of them as the Minister may direct.

(6) For the purposes of this Act a conveyor or aerial ropeway provided for the removal from a mine . . . of minerals gotten therefrom or refuse therefrom shall be deemed to form part of the mine . . .

181. (1) Subject to the provisions of this section, in this Act the expression "owner" means, in relation to a mine . . . , the person for the time being entitled to work it.

(2) . . .

(3) . . .

(4) Where the business of a person who, by virtue of the foregoing provisions of this section is, for the purposes of this Act, to be taken to be owner of a mine . . . is carried on by a liquidator, receiver or manager, or by some other person authorised to carry it on by an order of a court of competent jurisdiction, the liquidator, receiver, manager or other person shall be taken for the purposes of this Act to be an additional owner of the mine

(5) . . .

182. (1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:

"bodily injury" includes injury to health;

"central rescue station" has the meaning assigned to it by section seventy-two of this Act;

"contravention" includes, in relation to—

(a) a provision of this Act, of an order made thereunder or of regulations; or

(b) a direction, prohibition, restriction or requirement given or imposed by a notice served under or by virtue of this Act by an inspector; or

(c) a condition attached to an exemption, consent, approval or authority granted or given under or by virtue of this Act by the Minister or an inspector;

a failure to comply with the provision, direction, prohibition, restriction, requirement or condition, and the expression "contravene" shall be construed accordingly;

"gas" includes fume or vapour;

"gravity operated rope haulage apparatus" means rope haulage apparatus worked solely by the action of gravity on a vehicle or vehicles attached to a rope forming part of the apparatus;

"gravity operated winding apparatus" means winding apparatus worked solely by the action of gravity on a part of it in which a load is carried;

"inset" means, in relation to a shaft or outlet of a mine, a heading, chamber or other space driven or excavated from the shaft or outlet, being a heading,

chamber or space to which access can only be had from the shaft or outlet and not being a heading, chamber or space the sole or main purpose of the driving or excavation of which is the getting of minerals or products of minerals;

“inspector” means an inspector appointed under this Act, and a reference to the inspector for the district refers, as respects a mine . . . , to the inspector in charge of the district in which the mine . . . is situate;

“legal proceedings” includes arbitration;

“mechanically operated rope haulage apparatus” means rope haulage apparatus worked by a stationary engine;

“mechanically operated winding apparatus” means winding apparatus worked by a stationary engine;

“minerals” includes stone, slate, clay, gravel, sand and other natural deposits except peat;

*“the Minister” means the Minister of Fuel and Power;

“notice” means a notice in writing;

“parent” means a parent or guardian of, or person having the legal custody of, or the control over, a young person, and includes, in relation to any young person, a person having direct benefit from his wages;

“period of employment” means the period (inclusive of the time allowed for meals and rest) within which a person may be employed on any day;

“permitted lights” means, in relation to a mine or a part of a mine, locked safety-lamps and any other means of lighting the use of which below ground in mines generally, in mines of a class to which that mine belongs or in that mine is authorised by regulations;

“prescribed” has the meaning assigned to it by subsection (5) of section one hundred and forty-one of this Act;

“railway company” means any persons authorised by an enactment to construct, work or carry on a railway and includes the British Transport Commission, and for the purposes of this definition the expression “enactment” includes a provision of an order or scheme made under or confirmed by an Act;

“regulations”, “general regulations” and “special regulations” have the meanings respectively assigned to them by subsection (5) of section one hundred and forty-one of this Act;

“responsible person” means, in relation to a mine, the manager thereof . . . ;

“road” does not include an unwalkable outlet;

“rope” includes chain;

“rope haulage apparatus” means apparatus for transporting loads in vehicles attached to ropes;

“safety-lamp mine” means a mine in no part of which below ground is the use of lamps or lights other than permitted lights lawful;

* “the Minister” now means “the Minister of Power”—see paragraph 3 of the Introduction to this volume.

“safety-lamp part of a mine” means a part of a mine other than a safety-lamp mine, being a part below ground in which either the use of lamps or lights other than permitted lights is unlawful or safety-lamps are for the time being in use by way of temporary precaution;

“sanitary conveniences” includes urinals, water-closets, earth-closets, ash-pits, privies and any similar convenience;

“shaft” means a shaft the top of which is, or is intended to be, at the surface;

“staple-pit” includes winze;

“statutory responsibilities” means responsibilities under this Act, orders made thereunder and regulations;

“support rules” has the meaning assigned to it by subsection (1) of section fifty-four of this Act;

“transport rules” has the meaning assigned to it by subsection (1) of section thirty-seven of this Act;

“unwalkable outlet” means an outlet which, owing to the gradient thereof or of any part thereof (whether alone or in combination with other circumstances), persons cannot walk up with reasonable convenience;

“week” means the period between midnight on Saturday night and midnight on the succeeding Saturday night;

“winding apparatus” means, in relation to a mine shaft or staple-pit, apparatus for lowering and raising loads through the shaft or staple-pit;

“woman” means a woman who has attained the age of eighteen;

“young person” means a person who is over compulsory school age but has not attained the age of eighteen.

(2) For the purposes of this Act mine workings having a common system of ventilation, or any part of a system of ventilation in common, shall be deemed to form part of the same mine.

(3) For the purposes of this Act—

(a) the working of a mine shall be deemed to include the operation of driving a shaft or outlet therefor;

(b) . . . ;

(c) a mine . . . shall be deemed to be worked notwithstanding that the only operations carried on thereat are operations carried on with a view to abandoning the mine . . . or for the purpose of preventing the flow therefrom into an adjacent mine . . . of water or material that flows when wet, but shall not be deemed to be worked by reason only that pumping operations are carried on thereat for the purpose of supplying water to any person.

(4) References in this Act to the use of safety-lamps by way of temporary precaution shall, in relation to a mine, be construed as references to the occasional or intermittent use of locked safety-lamps by workmen employed below ground in the mine in a place in which the use of naked lights might be dangerous and,

in relation to a part of a mine below ground, be construed as references to the occasional or intermittent use of locked safety-lamps by workmen employed in that part in such a place.

(5) References in this Act to any other enactment shall be construed as references to that enactment as amended, extended or applied by or under any subsequent enactment including, except where the context otherwise requires, this Act.

183. (1) For the purposes of this Act an excavation or system of excavations made for training purposes shall be deemed to be a mine, and the use for those purposes of any premises which are a mine as defined by subsection (1) of section one hundred and eighty of this Act or are, by virtue of this section, deemed to be a mine shall be deemed, for the purposes of this Act, to constitute the working of the mine; but the Minister may by order direct that this Act shall, in its application to any such premises as aforesaid which are used exclusively for training purposes, have effect subject to such exceptions, adaptations and modifications as may be specified in the order.

(2) In this section the expression "training purposes" means the purposes of instructing or training below ground persons in, or in any work connected with, mining minerals.

Relationship of Factories Acts and this Act in case of certain premises

184. (1) None of the provisions of the Factories Acts, 1937 and 1948, shall apply to any premises forming part of a mine

(2) In the case of any premises to which all or any of the provisions of the Factories Acts, 1937 and 1948, would apply but for subsection (1) of this section, the Ministers may by order* direct that that subsection shall not apply to the premises and that the premises shall be treated for the purposes of this Act as not forming part of a mine

(3) In the case of any premises to which all or any of the provisions of the Factories Acts, 1937 and 1948, apply, being premises which, but for the proviso to subsection (3) of section one hundred and eighty of this Act, would be deemed for the purposes of this Act to form part of a mine . . . , the Ministers may by order direct that neither any of the provisions of those Acts nor that proviso shall apply to the premises.

†(4) In the case of premises which are a factory within the meaning of the Factories Acts, 1937 and 1948, or to which all or any of the provisions of those Acts apply as if the premises were such a factory, being premises which, though not forming part of a mine . . . , are occupied by the owner of a mine . . . and used solely for the purpose of the provision or supply for or to a single mine . . . , or jointly for or to more than one mine or quarry, of services or electricity, the Ministers may by order direct that, while the order is in force, none of the provisions of the Factories Acts, 1937 and 1948, shall apply to the

* No general orders for this purpose have been made.

† Such premises may be used for the purposes of a mine and a quarry in the same ownership. References to quarries as well as mines have therefore been retained where appropriate.

premises and the premises shall be deemed for the purposes of this Act to form part of the mine . . . or, as the case may be, of such one of them as may be specified in the order.

(5) References in subsections (1) to (4) of this section to provisions of the Factories Acts, 1937 and 1948, shall be construed as exclusive of references to sections one hundred and seven and one hundred and eight of the Factories Act, 1937 (which respectively apply other provisions of that Act to building operations undertaken by way of trade or business or for the purposes of any industrial or commercial undertaking and to works of engineering construction so undertaken) and to the other provisions of those Acts in so far as, by virtue of the said sections one hundred and seven and one hundred and eight, they are applicable to such operations or works; but—

- (a) the said section one hundred and seven shall not apply to any building operations undertaken below ground in a mine; and
- (b) the said section one hundred and eight shall not apply to any works of engineering construction undertaken at a mine (whether above or below ground)

(6) Where any machinery or apparatus is situate partly in a mine . . . and partly in a factory within the meaning of the Factories Acts, 1937 and 1948, the Ministers may by order direct that it shall be deemed, for the purposes of this Act and the Factories Acts, 1937 and 1948, either to be wholly situate in the mine . . . and not to be situate in the factory or to be wholly situate in the factory and not to be situate in the mine

(7) In this section the expression "the Ministers" means the Minister and the Minister of Labour and National Service and references to building operations and works of engineering construction shall be construed in like manner as if they were references contained in the Factories Act, 1937.

Repeals, Savings, Transitional Provisions, &c.

185. So much of section two of the Payment of Wages in Public Houses Prohibition Act, 1883, as excludes from the definition of "workman" contained in that section a person employed in a mine to which the Coal Mines Act, 1911, or the Metalliferous Mines Regulation Act, 1872, applies shall cease to have effect.

186.

187.

188. The enactments specified in the Fourth Schedule to this Act shall have effect subject to the amendments respectively specified in relation thereto in that Schedule (being minor amendments and amendments consequential on the provisions of this Act).

189. The enactments mentioned in the first and second columns of the Fifth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule,

190. (1) The Minister may by order* made before, but expressed to come into operation at, the commencement of this Act, re-enact (to the extent to which they could, by virtue of this Act, be enacted in regulations made under section one hundred and forty-one thereof)—

- (a) provisions of any regulation having effect by virtue of section eighty-six of the Coal Mines Act, 1911, or of any order having effect by virtue of section sixty-one of that Act;
- (b) provisions of any enactment repealed by the last foregoing section in so far as that enactment is not re-enacted in this Act;

subject to such modifications (if any) as appear to him to be consequential on the passing of this Act or requisite for the purpose either of bringing those provisions into conformity with this Act or of expressly limiting their operation to mines . . . of the class to which their operation is limited immediately before the commencement of this Act.

(2) An order under the foregoing subsection shall set out in a schedule to the order the provisions thereby re-enacted, and may direct that those provisions shall have effect as if they were regulations made under section one hundred and forty-one of this Act and provide for the mode of citation thereof and may contain provision with respect to any matters for which it appears to the Minister expedient to provide for the purposes of the transition to the provisions of the order from the provisions of the regulation, order or enactment thereby re-enacted.

(3) For the avoidance of doubt it is hereby declared that the power conferred by subsection (1) of this section extends, in a case where provision is made by this Act for the granting by regulations of exemptions from an enactment contained therein (being an enactment which re-enacts, with or without modifications, a provision of a regulation having effect by virtue of section eighty-six of the Coal Mines Act, 1911, or of an enactment repealed by the last foregoing section), to the re-enactment, by way of exemption from the first-mentioned enactment (but not to a greater extent than is authorised by this Act), of any exception or exemption subject to which the provision re-enacted had effect.

191. (1) Nothing in this Act shall affect—

- (a) any special regulation made under an enactment repealed by this Act;
- (b) . . . ;
- (c) any order with respect to . . . notification of accidents . . . , being an order made under an enactment repealed by this Act or by the said Act of 1911;
- (d) . . . ; or
- (e) any certificate issued, exemption, consent, approval, permission or authority granted or any other thing done under an enactment repealed by this Act;

but any such regulation, . . . or order so made or any certificate, exemption, consent, approval, permission, authority or thing so issued, granted or done shall, if in force at the commencement of this Act and so far as it could have

* The substance of all orders made under this Section is published in this volume, so far as they apply to mines of the classes to which the volume relates.

been made, issued, granted or done under this Act, have effect as if it had been so made, issued, granted or done.

(2) Nothing in this Act shall affect any special rule established under an enactment repealed by this Act, but any such rule so established shall, if in force at the commencement of this Act and so far as it could, had it been a regulation, have been made under this Act, have effect as if it had been a regulation so made.

(3) Any document referring to any Act or enactment repealed by this Act shall be construed as referring to this Act or the corresponding enactment in this Act.

(4) . . .

(5) Any person holding office or acting or serving under or by virtue of an enactment repealed by this Act shall continue to hold office or to act or serve as if he had been appointed under or by virtue of the corresponding enactment in this Act.

(6) Any register kept under an enactment repealed by this Act shall be deemed part of the register to be kept under the corresponding enactment in this Act.

(7) Nothing in this Act shall affect the definition of "mine" for the purposes of the Rating and Valuation (Apportionment) Act, 1928.

(8) The mention of particular matters in this section shall be without prejudice to the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

192. . . .

193. No provision of this Act, of any order made thereunder or of regulations shall be construed as derogating from any rule of law with respect to the duties owed by masters to their servants (including, in particular, but without prejudice to the generality of the foregoing words, the duty to provide a safe system of working), and section one of this Act shall not be construed as derogating from any obligation imposed by or by virtue of any other provision of this Act upon the owner of a mine

194. This Act, except sections one hundred and seventy-two and one hundred and ninety thereof, shall come into operation on such day as the Minister may by order* appoint, and those sections shall come into operation on the passing of this Act; and for the purposes of this Act and of the application thereto of section thirty-seven of the Interpretation Act, 1889 (which relates to the exercise of statutory powers between the passing and the commencement of an Act) references to the commencement of this Act shall, notwithstanding the provisions of section thirty-six of the said Act of 1889 with respect to the construction of the expression "commencement", be construed as references to the time at which this Act, except the said sections one hundred and seventy-two and one hundred and ninety, comes into operation.

195. (1) This Act may be cited as the Mines and Quarries Act, 1954.

(2) This Act shall not extend to Northern Ireland.

* The appointed day was 1st January, 1957—See the Mines and Quarries Act (Commencement) Order, 1956 (S.I. 1956/1530 C.11).

SCHEDULES

FIRST SCHEDULE (Section 122)

PUBLIC INQUIRIES INTO ACCIDENTS, &c.

1. A public inquiry which the Minister directs to be held under section one hundred and twenty-two of this Act into an accident or other occurrence at a mine . . . shall be held by a competent person appointed by the Minister who may conduct the inquiry either alone or with the assistance of an assessor or assessors so appointed.

2. The Minister may pay to the person appointed to hold the inquiry and to any assessor appointed to assist him such remuneration and allowances as the Minister may, with the approval of the Treasury, determine.

3. The person appointed to hold the inquiry (hereafter in this Schedule referred to as "the court") shall hold the inquiry in public in such manner and under such conditions as the court thinks most effectual for ascertaining the causes and circumstances of the accident or other occurrence and for enabling the court to make the report hereafter in this Schedule mentioned.

4. The court shall, for the purposes of the inquiry, have power—

- (a) to enter and inspect any place or building the entry or inspection whereof appears to the court requisite for the said purposes;
- (b) by summons signed by the court to require any person to attend, at such time and place as is specified in the summons, to give evidence or produce any documents in his custody or under his control which the court considers it necessary for the purposes of the inquiry to examine;
- (c) to require a person appearing at the inquiry to furnish to any other person appearing thereat, on payment of such fee, if any, as the court thinks fit, a copy of any document offered, or proposed to be offered, in evidence by the first-mentioned person;
- (d) to take evidence on oath, and for that purpose to administer oaths, or, instead of administering an oath, to require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined;
- (e) to adjourn the inquiry from time to time; and
- (f) subject to the foregoing sub-paragraphs, to regulate the procedure of the court.

5. A person attending as a witness before the court shall be entitled to be paid by the Minister such expenses as would be allowed to a witness attending on subpoena before a court of record, and any dispute as to the amount to be so allowed shall be referred by the court to a master of the Supreme Court who, on request signed by the court, shall ascertain and certify the proper amount of the expenses.

6. The court shall make a report to the Minister stating the causes and circumstances of the accident or other occurrence, adding any observations which the court thinks it right to make, and the Minister shall lay copies of the report before Parliament.

7. If a person—

(a) without reasonable excuse (proof whereof shall lie on him) fails, after having the expenses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of the court; or

(b) does any other thing which would, if the court had been a court of law having power to commit for contempt, have been contempt of that court;

the court may, by instrument signed by the court, certify the offence of that person to the High Court or, in Scotland, the Court of Session, and the High Court or Court of Session may thereupon inquire into the alleged offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the High Court or, as the case may be, the Court of Session.

8. In the application of this Schedule to Scotland, for references to a master of the Supreme Court, to a witness attending on subpoena before a court of record, and to a summons there shall be respectively substituted references to the Auditor of the Court of Session, to a witness attending on citation the High Court of Justiciary and to an order.

SECOND SCHEDULE (Section 142)

PROCEDURE FOR MAKING REGULATIONS

PART I

PROCEDURE FOR MAKING GENERAL REGULATIONS

1. Before the Minister makes any general regulations he shall publish in the *London Gazette* and, if the regulations apply to Scotland, in the *Edinburgh Gazette* and (whether the regulations apply to Scotland or not) in such other manner as he thinks best adapted for informing persons affected, notice of his intention to make the regulations, specifying a place where copies of a draft thereof may be obtained and the time (which shall be not less than twenty-one days from the date of the publication) within which any objection made with respect to the draft regulations must be sent to him.

2. Every objection so made must be in writing and must state—

(a) the specific grounds of objection; and

(b) the omissions, additions or modifications asked for;

and the Minister shall consider any such objection made by or on behalf of any person appearing to him to be affected, being an objection sent to him within the time specified in the notice, but shall not be bound to consider any other objection.

3. If there are no objections which the Minister is required by the last foregoing paragraph to consider, he may make the regulations in the terms of the draft.

4. The following provisions shall have effect where the Minister does not proceed under the last foregoing paragraph:

- (a) if he is not required by paragraph 2 of this Schedule to consider a general objection and if either he is not so required to consider any special objection or all special objections which he is so required to consider appear to him, upon consideration thereof, to be frivolous, he may, unless he decides to take no further proceedings with respect thereto, either make the regulations in the terms of the draft or, if he thinks fit so to do, refer the draft regulations for inquiry and report under Part III of this Schedule; and
- (b) in any other case, he shall, unless he decides to take no further proceedings with respect thereto, refer the draft regulations for inquiry and report as aforesaid.

5. Where, under the last foregoing paragraph, the Minister refers the draft regulations for inquiry and report under Part III of this Schedule, he shall consider the report and, unless he decides to take no further proceedings with respect to the draft regulations, may,—

- (a) if the report of the person or persons holding the inquiry does not recommend the making of any modifications in the draft regulations, make the regulations in the terms of the draft; or
- (b) if the said report recommends the making of modifications in the draft regulations, make the regulations in the terms of the draft subject to such modifications as give effect to the recommendations made in the report.

6. In this Part of this Schedule—

- (a) the expression “general objection” means, in relation to draft regulations, an objection to any provision thereof, being an objection made by or on behalf of owners of mines . . . who employ not less than one third of the total number of persons employed at all the mines . . . affected by the draft regulations or by or on behalf of an association or body representative of not less than one third of the total number of persons so employed; and
- (b) the expression “special objection” means, in relation to draft regulations,—

(i) an objection to any provision thereof, being an objection made by or on behalf of owners of a class of mines . . . or a sub-division of a class of mines . . . and expressed to be made on the ground that, having regard to the special conditions of, or the special methods of working at, mines . . . of that class or sub-division, the provision objected to ought not to apply thereto; or

(ii) an objection to a provision thereof applicable only to a particular class of mines . . . or a particular sub-division of such a class, being an objection made by or on behalf of owners of mines . . . of that class or sub-division, as the case may be, who employ not less than one-third of the total number of persons employed at all mines . . . of that class or sub-division, or by or on behalf of an association or body representative of not less than one-third of the total number of persons so employed;

not being, in either case, an objection which, by virtue of sub-paragraph (a) of this paragraph, is a general objection.

PART II
PROCEDURE FOR MAKING SPECIAL REGULATIONS

7. Special regulations with respect to a mine . . . shall not be made otherwise than on the application of an inspector, the owner of the mine . . . , not less than one-third of the total number of persons employed thereat or an association or body representative of not less than one-third of the total number of persons so employed.

8. An application for the making of special regulations must be accompanied by a draft of the regulations sought to be made.

9. Before the Minister makes any special regulations he shall publish in such manner as he thinks best adapted for informing persons affected notice of his intention to make the regulations, specifying the place where copies of a draft thereof may be obtained and the time (which shall be not less than twenty-one days from the date of the publication) within which any objection made with respect to the draft regulations must be sent to him.

10. Every objection so made must be in writing and must state—

- (a) the specific grounds of objection; and
- (b) the omissions, additions or modifications asked for;

and the Minister shall consider any such objection made by or on behalf of any person appearing to him to be affected, being an objection sent within the time specified in the notice, but shall not be bound to consider any other objection.

11. If there are no objections which the Minister is required by the last foregoing paragraph to consider, he may make the regulations in the terms of the draft.

12. The following provisions shall have effect where the Minister does not proceed under the last foregoing paragraph :

(a) if he is required by paragraph 10 of this Schedule to consider an objection made by or on behalf of the owner of the mine . . . to which the draft regulations relate or by or on behalf of an association or body representative of not less than one-third of the total number of persons employed thereat, he shall, unless he decides to take no further proceedings with respect thereto, refer the draft regulations for inquiry and report under Part III of this Schedule; and

(b) in any other case, he may, unless he decides to take no further proceedings with respect to the draft regulations, either make the regulations in the terms of the draft or, if he thinks fit so to do, refer the draft regulations for inquiry and report as aforesaid.

13. Where, under the last foregoing paragraph, the Minister refers the draft regulations for inquiry and report under Part III of this Schedule, he shall consider the report and, unless he decides to take no further proceedings with respect to the draft regulations, may,—

(a) if the report of the person or persons holding the inquiry does not recommend the making of any modifications in the draft regulations, make the regulations in the terms of the draft; or

(b) if the said report recommends the making of modifications in the draft regulations, make the regulations in the terms of the draft subject to such modifications as give effect to the recommendations made in the report.

PART III

INQUIRIES UNDER PART I OR II

14. The following provisions of this Part of this Schedule shall have effect where any draft regulations are, by virtue of Part I or Part II of this Schedule, referred for inquiry and report under this Part of this Schedule.

15. The inquiry shall be held by a competent person or competent persons appointed by the Lord Chancellor and, where two or more persons are appointed to hold the inquiry, the Lord Chancellor shall appoint one of them to preside over it.

16. There may be paid by the Minister to the person or persons holding the inquiry such remuneration and allowances as may be fixed by the Lord Chancellor with the approval of the Treasury.

17. The inquiry shall be public and shall be held at such place as the Lord Chancellor may appoint.

18. Any of the following persons may appear at the inquiry either in person or by counsel, solicitor or agent, and may give evidence and call such witnesses as he thinks fit, that is to say:

- (a) the Minister;
- (b) any person who duly objected to any provision of the draft regulations; and
- (c) any other person, being a person who, in the opinion of the person holding the inquiry (or, if two or more persons are holding it, the person presiding over it), is affected by the draft regulations.

19. The evidence of the witnesses at the inquiry may, if the person holding it (or, if two or more persons are holding it, the person presiding over it) thinks fit, be taken on oath, and for that purpose the said person may administer oaths.

20. The person or persons holding the inquiry shall make a report to the Minister stating whether or not the draft regulations ought, in his or their opinion, to be modified and, if in his or their opinion the draft regulations ought to be modified, stating in what respect they ought to be modified.

21. If it appears to the person holding the inquiry (or, if two or more persons are holding it, the person presiding over it) that any objection made thereto to any provision of the draft regulations was frivolous or vexatious, he may order that the expenses incurred by the Minister for the purposes of the inquiry or such part of those expenses as may be specified in the order shall be paid by the person by or on whose behalf the objection was made; and an order under this paragraph shall, on the application of the Minister, be enforceable by a magistrates' court as if the amount ordered to be paid were a sum adjudged to be paid by an order of that court.

22. Subject to the foregoing provisions of this Part of this Schedule, the inquiry and all proceedings preliminary or incidental thereto shall be conducted in accordance with rules* made by the Minister.

23. Where any draft regulations referred for inquiry and report under this Part of this Schedule apply to Scotland only, this Part of this Schedule shall apply subject to the following modifications:

* See the Mines and Quarries (Draft Regulations) Rules, 1956, page 130.

- (a) for references to the Lord Chancellor there shall be substituted references to the Lord President of the Court of Session;
- (b) an order under paragraph 21 of this Schedule may be recorded in the Books of Council and Session for execution and may be enforced accordingly.

THIRD SCHEDULE (Section 150)

INQUIRIES INTO FITNESS OF HOLDERS OF CERTIFICATES AND DELIVERY UP AND CUSTODY OF CERTIFICATES* IN CONNECTION WITH PROSECUTIONS AND INQUIRIES

PART I

INQUIRIES INTO FITNESS OF HOLDERS OF CERTIFICATES

1. The tribunal holding an inquiry under section one hundred and fifty of this Act shall consist of a person or persons appointed by the Minister, and may conduct the inquiry either alone or with the assistance of an assessor or assessors so appointed.
2. The Minister may pay to the person or persons constituting the tribunal and to any assessor appointed to assist the tribunal such remuneration and allowances as the Minister may, with the approval of the Treasury, determine.
3. The inquiry shall be public and shall be held at such place as the Minister may appoint.
4. The Minister shall, before the beginning of the inquiry, furnish to the person whose fitness to continue to hold a certificate is to be inquired into a statement of the case on which the inquiry is instituted.
5. The said person may appear at the inquiry either in person or by counsel, solicitor or agent, and may give evidence and call such witnesses as he thinks fit.
6. At the conclusion of the inquiry the tribunal shall send to the Minister a report containing a full statement of the case and the opinion of the tribunal thereon and such report of, or extracts from, the evidence as the tribunal thinks fit.
7. The tribunal shall, for the purposes of the inquiry, have power—
 - (a) to enter and inspect any place or building the entry or inspection of which appears to the tribunal requisite for the said purposes;
 - (b) by summons signed by the tribunal to require any person to attend, at such time and place as is specified in the summons, to give evidence or to produce any documents in his custody or under his control which the tribunal considers it necessary for the purposes of the inquiry to examine;
 - (c) to require a person appearing at the inquiry to furnish to any other person appearing thereat, on payment of such fee, if any, as the tribunal thinks fit, a copy of any document offered, or proposed to be offered, in evidence by the first-mentioned person;
 - (d) to take evidence on oath, and for that purpose to administer oaths, or instead of administering an oath, to require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined;
 - (e) to adjourn the inquiry from time to time; and
 - (f) subject to the foregoing sub-paragraphs, to regulate the procedure of the tribunal.

* Not at present applicable to mines to which this volume relates—see note on Part XII, page 67.

8. A person attending as a witness before the tribunal shall be entitled to be paid by the Minister such expenses as would be allowed to a witness attending on subpoena before a court of record, and any dispute as to the amount to be so allowed shall be referred by the tribunal to a master of the Supreme Court who, on request signed by the tribunal, shall ascertain and certify the proper amount of the expenses.

9. The tribunal may make such orders as it thinks fit respecting the payment of the costs and expenses of the inquiry and any such order shall, on the application of any person entitled to the benefit thereof, be enforceable by a magistrates' court as if the amount ordered to be paid were a sum adjudged to be paid by an order of that court.

10. If a person—

- (a) without reasonable excuse (proof whereof shall lie on him) fails, after having the expenses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of the tribunal; or
- (b) does any other thing which would, if the tribunal had been a court of law having power to commit for contempt, have been contempt of that court;

the tribunal may, by instrument signed by it, certify the offence of that person to the High Court or, in Scotland, the Court of Session, and the High Court or Court of Session may thereupon inquire into the alleged offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the High Court or, as the case may be, the Court of Session.

PART II

DELIVERY UP AND CUSTODY OF CERTIFICATES* IN CONNECTION WITH PROSECUTIONS AND INQUIRIES

11. The holder of any such certificate as is mentioned in section one hundred and fifty of this Act may, after notice of intention to make an application under subsection (1) of the said section one hundred and fifty has been duly served on him, be required by the court dealing with an information or trying an indictment for an offence alleged to have been committed by him, or may be required by a tribunal making inquiry under the said section one hundred and fifty, to deliver up his certificate to the court or, as the case may be, the tribunal at the hearing.

12. A certificate so delivered up may be retained by the court or tribunal until the conclusion of the proceedings:

Provided that a certificate delivered up to the court shall be returned to the holder thereof on his making an election under paragraph (b) of the proviso to subsection (1) of the said section one hundred and fifty.

13. Where the court or tribunal cancels or suspends a certificate it shall, at the conclusion of the proceedings, send the Minister notice thereof and shall also send him the certificate for retention by him.

14. Where on an appeal (whether by way of case stated or otherwise) the conviction of the holder of the certificate is quashed or the cancellation or suspension thereof is quashed or varied, the court by which the conviction is quashed or the appeal is allowed shall send notice thereof to the Minister:

* See note on Part XII, page 67.

Provided that where on an appeal by way of case stated the High Court remits the matter to a magistrates' court or a court of quarter sessions, notice of the order of the court on the remission shall be sent to the Minister by the magistrates' court or court of quarter sessions, as the case may be.

15. Where a certificate has been sent to the Minister under paragraph 13 of this Schedule, he shall—

- (a) on receipt of a notice that the conviction of the holder thereof, or the cancellation or suspension thereof, has been quashed; or
- (b) on the expiration of any period for which the certificate stands suspended (whether after conviction or appeal);

return the certificate to the holder.

16. For the purposes of this Part of this Schedule, the bringing of proceedings before the High Court to quash a conviction by order of certiorari shall be deemed to be an appeal.

PART III

MODIFICATIONS OF PARTS I AND II FOR THE PURPOSES OF THEIR APPLICATION TO SCOTLAND

17. In the application of this Schedule to Scotland,—

- (a) for references to a master of the Supreme Court, to a witness attending on subpoena before a court of record, to a summons and to an information there shall be respectively substituted references to the Auditor of the Court of Session, to a witness attending on citation the High Court of Justiciary, to an order and to a summary complaint;
- (b) an order under paragraph 9 of this Schedule may be recorded in the Books of Council and Session for execution and may be enforced accordingly.

FOURTH SCHEDULE (Section 187)

MINOR AND CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

The Education Act, 1918

8 & 9 Geo. 5. c. 39

For paragraphs (b) and (c) of section fourteen (which prohibits the employment of children in factories, mines and quarries in England and Wales) there shall be substituted the following paragraph:

“(b) at any mine or quarry within the meaning of the Mines and Quarries Act, 1954;”.

The Education (Scotland) Act, 1918

8 & 9 Geo. 5. c. 48

For paragraphs (b) and (c) of section seventeen (which prohibits the employment of children in factories, mines and quarries in Scotland) there shall be substituted the following paragraph:

“(b) at any mine or quarry within the meaning of the Mines and Quarries Act, 1954;”.

The Mining Industry Act, 1920

10 & 11 Geo. 5. c. 50

In subsection (3) of section eighteen (which relates to the making of drainage schemes with respect to groups of mines) for the words "The provisions of sections eighty-six and one hundred and seventeen of, and Part I of the Second Schedule to, the Coal Mines Act, 1911, which relate to general regulations shall apply with the necessary modifications to schemes under this section" there shall be substituted the words "The provisions of Parts I and III of the Second Schedule to the Mines and Quarries Act, 1954, shall, with the necessary modifications, have effect with respect to the procedure for making a scheme under this section as they have effect with respect to the procedure for making general regulations under that Act, and the power conferred by this section to make a scheme shall be construed as including power (exercisable in the like manner and subject to the like conditions) to revoke or vary the scheme".

References in the said section eighteen to owners of mines shall be construed in like manner as if they were contained in this Act.

The Employment of Women, Young Persons and Children Act, 1920

10 & 11 Geo. 5. c. 65

In subsection (6) of section one (which subsection relates to the enforcement of the restrictions imposed by other provisions of that section on the employment of children and young persons in industrial undertakings) the reference to coal mines, metalliferous mines and quarries shall be construed as a reference to mines and quarries within the meaning of this Act and the reference to the Coal Mines Act, 1911, and the Metalliferous Mines Regulation Acts, 1872 and 1875, shall be construed as a reference to this Act.

The Mining Industry Act, 1926

16 & 17 Geo. 5. c. 28

In section twenty-three (which requires the giving of facilities to the Department of Scientific and Industrial Research where shafts or bore-holes are sunk), in subsections (3) and (4), the word "agent" shall be omitted, and for subsection (5) there shall be substituted the following subsection:

"(5) Any officer appointed by the Committee shall have the same rights as to the production and inspection of plans, sections and drawings which, by or by virtue of the Mines and Quarries Act, 1954, are required to be kept, as are by that Act conferred on inspectors, and that Act shall apply accordingly."

The Petroleum (Production) Act, 1934

24 & 25 Geo. 5. c. 36

In section seven (which relates to the inspection of plans and sections of mines for the purpose of ascertaining on behalf of the Minister the position of workings through or near which it is proposed to sink a bore-hole for the purpose of searching for or getting petroleum), for the words from "the same rights" to the end of the section, there shall be substituted the words "the same rights as to the production and inspection of plans, sections and drawings which, by or by virtue of the Mines and Quarries Act, 1954, are required to be kept, as are by that Act conferred on inspectors, and that Act shall apply accordingly".

The Hours of Employment (Conventions) Act, 1936

26 Geo. 5. & 1 Edw. 8. c. 22

In subsection (2) of section one (which subsection relates to the enforcement of the restrictions imposed by that section on the employment of women by night in industrial undertakings) the reference to coal mines, metalliferous mines and quarries shall be construed as a reference to mines and quarries within the meaning of this Act and the reference to the Coal Mines Act, 1911, and the Metalliferous Mines Regulation Acts, 1872 and 1875, shall be construed as a reference to this Act.

The Young Persons (Employment) Act, 1938

1 & 2 Geo. 6. c. 69

For subsection (3) of section three (which relates to the enforcement of the provisions of Part I of that Act) there shall be substituted the following subsection:

“(3) An inspector appointed under the Mines and Quarries Act, 1954, shall have the same powers and duties for the purpose of the enforcement of the provisions of this Part of this Act in their application to young persons employed at or in connection with a mine or quarry within the meaning of the said Act of 1954 as he would have if those provisions were provisions of that Act”.

FIFTH SCHEDULE (Section 189)

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
35 & 36 Vict. c. 77.	The Metalliferous Mines Regulation Act, 1872.	The whole Act.
38 & 39 Vict. c. 39.	The Metalliferous Mines Regulation Act, 1875.	The whole Act.
46 & 47 Vict. c. 31.	The Payment of Wages in Public Houses Prohibition Act, 1883.	In section two, the words from “nor any person” to the end of the section.
6 Edw. 7. c. 53.	The Notice of Accidents Act, 1906.	Sections one, two, three and five.
10 Edw. 7. & 1 Geo. 5. c. 15.	The Mines Accidents (Rescue and Aid) Act, 1910.	The whole Act.
10 & 11 Geo. 5. c. 50.	The Mining Industry Act, 1920.	Sections nineteen and twenty-one. In section twenty-five, the definitions of “owner”, “agent” and “management”.
13 & 14 Geo. 5. c. 42.	The Workmen’s Compensation Act, 1923.	Section twenty-eight.
16 & 17 Geo. 5. c. 28.	The Mining Industry Act, 1926.	Section twenty-one. In section twenty-three, in subsection (3), the word “agent” and, in subsection (4), the word “agent”.
1 Edw. 8. & 1. Geo. 6. c. 67.	The Factories Act, 1937.	In section one hundred and fifty-one, subsection (5). In section one hundred and fifty-eight, subsections (1) to (3).
6 & 7 Geo. 6. c. 6.	The Workmen’s Compensation Act, 1943.	Section four.

PART B

GENERAL REGULATIONS, ORDERS AND RULES APPLICABLE TO MINES OTHER THAN OF COAL, STRATIFIED IRONSTONE, SHALE AND FIRECLAY

(NOTE: *It is important to read Paragraphs 2, 4, 5 and 6 of the Introduction to this volume before studying the Regulations and Orders*)

1. THE MISCELLANEOUS MINES (GENERAL) REGULATIONS, 1956

By the Miscellaneous Mines Order, 1956 (S.I. 1956 No. 1778), made under Section 190 (1) of the Mines and Quarries Act, 1954, the provisions set out below have effect as if they were regulations made under Section 141 of the Act coming into operation at the commencement of the Act, and may be cited as the Miscellaneous Mines (General) Regulations, 1956.

The order provides that any authority, certificate, determination, direction, exemption, permit or prescription given or made for the purpose of a provision specified below shall, if in force at the commencement of the Act and so far as it could have been given or made for the purposes of these regulations, have effect as if it had been so given or made.

Metalliferous Mines Regulation Act, 1872, Sections 14 and 19.

Metalliferous Mines General Regulations, 1938 (S.R. & O. 1938 No. 630).

PART I

Application

1. These regulations shall apply to mines other than mines of coal, stratified ironstone, shale or fireclay, and in these regulations, unless otherwise expressly provided, "mine" means such a mine.

PART II

*Plans**

2. (1) It shall be the duty of the manager of every mine in which more than twelve persons are ordinarily employed below ground to keep at the office at the mine, or at such other place as may be approved by an inspector, accurate plans of all the workings in that mine (whether abandoned or not) up to a day not more than six months past.

(2) Nothing in the preceding paragraph shall require a plan to show workings in which no operations have been carried out since the first day of January, eighteen hundred and seventy-two.

3. (1) In the event of the abandonment of a mine in which more than twelve persons have ordinarily been employed below ground, or of the expiration of the period of twelve months from the time at which such a mine was last worked for the purpose of getting minerals or products of minerals, it shall be the duty of the person who was the owner of the mine at the time of the happening of that event within three months thereafter to send to the inspector for the district accurate plans showing the boundaries of the workings at that time.

* See also Sections 17 to 20 of the Act.

(2) The plans referred to in the last preceding paragraph shall be on a scale not less than forty inches to the mile or on the scale of the plans last kept at the mine in pursuance of regulation two.

PART III *Inspections of the mine*

4. *In every mine a competent person appointed for that purpose by the manager shall—

- (a) during every ordinary mineral-getting shift, inspect every working place and every road (not being an outlet) in any part of the mine in which any person works during that shift and every road (not being an outlet) in any other part of the mine being a road along which any person has to pass during that shift;
- (b) during every day on which mineral is gotten, inspect any walkable outlet or ladder-way which has to be used by any person during that day;

for the purpose of ascertaining the condition thereof in regard to ventilation, state of roof and sides and general safety.

5. *In every mine a competent person appointed for that purpose by the manager shall at intervals not exceeding seven days inspect thoroughly the state of every shaft, staple-pit and unwalkable outlet used as a means of ingress or egress.

6. (1) In every mine a competent person appointed for that purpose by the manager shall at intervals not exceeding three months travel the whole length of any way affording to persons employed at any place means of ingress and egress, being a way which is not ordinarily used by any person, for the purpose of ascertaining whether it is traversable with safety and reasonable convenience.

(2) *In every mine a competent person appointed for that purpose by the manager shall at intervals not exceeding thirty days inspect all accessible parts of each airway of the mine.

PART IV

Shafts, staple-pits† and outlets and winding and haulage apparatus therefor

7. (1) Where access to any part of a mine in which persons work can be obtained only by passing through one shaft or unwalkable outlet (other than one in the course of being sunk or driven) and winding or haulage apparatus is ordinarily used in that shaft or outlet, there shall be provided a compartment therein separated throughout by a substantial partition from the part in which that winding or haulage apparatus operates and there shall be provided in that compartment ladders or other safe and reasonably convenient means of egress independent of that winding or haulage apparatus.

(2) Any ladder in a shaft or unwalkable outlet shall be securely fastened to the lining or sides thereof, and any platform therein forming part of a ladder-way shall be securely fenced.

* For provision about reports, see Regulation 81.

† The term "staple-pit" here, and subsequently in these Regulations, includes "winze" (See Section 182 (1)).

Brakes etc.

8. (1) Where mechanically operated winding apparatus* or mechanically operated rope haulage apparatus* is used for carrying persons through a shaft, staple-pit or unwalkable outlet, there shall be provided one or more brakes on the drum or drum shaft (or if there is more than one drum on each drum or drum shaft) being brakes which will hold the drum stationary when the maximum torque in a downward direction is applied thereto by the engine and a fully loaded cage or carriage:

Provided that an inspector may by notice served on the manager of the mine exempt an engine from the requirements of this paragraph.

(2) Where such apparatus is so used there shall be provided a suitable indicator (not being merely a mark on the rope or drum) showing the position of each cage or carriage in the shaft, staple-pit or outlet. That indicator shall be so placed as to be seen easily by the person operating the engine.

(3) Where such apparatus is so used there shall be provided on the drum such flanges or horns and, if the drum is conical, such other devices as will prevent the rope from slipping off.

Guides

9. In every shaft and staple-pit provided with winding apparatus, being a shaft or staple-pit in the case of which the distance between the top thereof and the lowest entrance thereto exceeds one hundred and fifty feet or being a shaft or staple-pit in the course of being sunk of a depth exceeding three hundred feet, guides shall be provided for the cage or kibble:

Provided that an inspector may by notice served on the manager exempt a shaft or staple-pit from the requirements of this regulation.

Keps

10. (1) In every shaft provided with a cage which is used for raising or lowering persons keps for supporting the cage when at rest shall be provided at the highest landing to which the cage is raised, may be provided at the lowest entrance to the shaft but shall not be provided at any intermediate entrance thereto.

(2) Keps shall be used when persons are entering or leaving a cage at a place at which they are provided.

Cages or carriages

11. Every cage or carriage which is used for carrying persons through a shaft, staple-pit or unwalkable outlet shall be covered in completely at the top, closed in at the two sides sufficiently to prevent persons or things projecting beyond the sides, and provided with suitable gates at the ends and with a rigid hand bar which can be easily reached by all persons in it.

12. (1) The manager of every mine shall, in relation to each shaft, staple-pit or unwalkable outlet provided with a cage or carriage used for carrying persons, determine the maximum number of persons who may be carried at one time in any cage or carriage therein and, where a cage or carriage has more than one deck, on each deck of that cage or carriage.

* These terms, as used here and subsequently in these Regulations, are defined in Section 182 (1) of the Act.

(2) There shall be kept posted at each entrance for the time being in use to each such shaft, staple-pit or unwalkable outlet a notice specifying every number so determined.

13. Every cage or carriage which is used for carrying vehicles through a shaft, staple-pit or unwalkable outlet shall be provided with catches or other suitable contrivances to prevent them from falling out.

14. (1) Where mechanically operated winding apparatus is ordinarily used for carrying persons through a shaft in a cage, there shall be provided appropriate gear for detaching each cage from the rope and holding it stationary in the event of over-winding when it is ascending:

Provided that an inspector may by notice served on the manager of the mine exempt any winding apparatus thereat from the requirements of this paragraph.

(2) Where mechanically operated winding apparatus is so used and the speed of winding can exceed twelve feet per second, an inspector by notice served on the manager of the mine may require the provision in connection therewith within such period as may be specified in the notice, and the maintenance, of an automatic contrivance to prevent overwinding.

PART V

Provisions relating to carriage of persons and things through shafts, staple-pits and unwalkable outlets

Banksmen

15. (1) At every mine where persons are carried through a shaft the manager shall make and secure the efficient carrying out of arrangements whereby a competent person (hereinafter referred to as "the banksman") is in attendance for the purpose of transmitting and receiving signals at the landing in use at the top of the shaft—

- (a) whenever any person is about to be carried through that shaft; and
- (b) whenever more than fifteen persons are below ground in the mine:

Provided that an inspector may by notice served on the manager grant an exemption in respect of any shaft from the requirements of sub-paragraph (b).

(2) The means provided for transmitting signals shall be such that any signal transmitted from an entrance to the shaft underground shall be transmitted simultaneously to the person operating the winding apparatus and to the banksman.

Signals

16. (1) In relation to each shaft, staple-pit and unwalkable outlet provided with winding or haulage apparatus the manager shall determine any signals necessary for the proper operation of that apparatus, and, in particular, where there is more than one entrance underground to such a shaft, staple-pit or unwalkable outlet he shall determine the signals to be used to indicate the entrance to or from which the cage, carriage or kibble is to be raised or lowered.

(2) There shall be kept posted at each entrance for the time being in use to each such shaft, staple-pit or unwalkable outlet, and in the place at which is operated the winding or haulage apparatus provided therefor, a notice specifying the signals determined by the manager for transmission therein.

17. No person other than a person authorised by the manager of the mine to do so shall transmit any signal from any entrance to a shaft, staple-pit or un-walkable outlet.

Loading

18. Where persons are to be carried through a shaft, staple-pit or unwalkable outlet in a cage or carriage, the banksman or other person authorised to transmit signals in relation thereto shall not signal the cage or carriage away if it or any deck thereof contains more than the maximum number of persons allowed to be carried or if the gates with which it is provided are not properly closed.

19. (1) No minerals, equipment or materials (other than things which are required to be or are normally kept by a person in his possession) shall be carried through a shaft, staple-pit or unwalkable outlet whilst persons are being carried through it, whether in the same direction or not, and no person shall signal away a cage, carriage or kibble if he has any cause to believe that the preceding provisions of this paragraph would thereby be infringed.

(2) Nothing in paragraph (1) of this regulation shall prevent—

- (a) persons who are to work in a shaft, staple-pit or outlet having with them when being carried therethrough equipment or materials which they will or may require for the purposes of that work; or
- (b) persons accompanying animals or bulky materials which cannot be lowered or raised in a cage or carriage;

and for the purposes of the said paragraph no account shall be taken of the carriage of the owner or manager of the mine or of any official, engineer or technician in the case of whom the manager has by notice directed that the said paragraph shall not apply.

20. Where a kibble is used in any shaft or staple-pit in which persons are or may be underneath the kibble, no person shall signal it away unless he is satisfied that—

- (a) no loose mineral is carried above the level of the rim;
- (b) tools, equipment or other materials for use or used in the mine are not loaded together with mineral;
- (c) when things which project above the rim are carried, they are securely fastened to the bow or chains supporting the kibble;
- (d) nothing capable of causing injury is adhering to the outside of the kibble; and
- (e) when the kibble is being raised, it is in line with the pulleys and carefully steadied.

PART VI

Duties of persons operating winding apparatus

21. (1) A person operating any winding apparatus with which a shaft is provided shall not leave the controlling gear whilst the apparatus is in motion or when he has any cause to believe that anyone is in or on the cage or kibble.

(2) Every person operating any such winding apparatus shall at least once during his shift examine the external parts of any engine which he operates to see if they are in proper working order.

(3) After any cessation of winding exceeding two hours the person operating any such winding apparatus shall immediately before lowering or raising any person run the cage or kibble at least once between the top of the shaft and the lowest entrance to the shaft for the time being in use in order to ascertain whether winding can be safely resumed. If any defect likely to affect the proper working of the winding apparatus is thus discovered he shall not begin winding until the defect has been remedied.

22. No person operating any winding apparatus shall allow any engine to be operated under his supervision (on an occasion to which subsection (1) of section forty-two of the Act does not apply)* by any person other than one authorised in writing by the manager so to do.

PART VII

Haulage roads

23. Nothing in paragraph (a) of subsection (1) of section thirty-nine of the Act shall prohibit a person passing on foot along a length of road during a period during which vehicles are moving therein—

- (a) if the maximum speed at which vehicles may run therein does not exceed six miles per hour; or
- (b) if there is a continuous clear space not less than two feet in width between the vehicles and one side of the road.

24. (1) For the purposes of section forty of the Act the intervals, which must not be exceeded, between refuge holes in roads in which vehicles run shall be—

- (a) in the case of a length of road in which the gradient does not exceed 1 : 20 and in which the maximum speed of the vehicles must not exceed four miles per hour, three hundred feet;
- (b) in any other case, sixty feet.

(2) For the said purposes the prescribed dimensions of refuge holes are—

- (a) in width, three feet as nearly as may be;
- (b) in depth, not less than three feet; and
- (c) in height, not less than the height of the road at that place or six feet, whichever is the less.

(3) Where in any length of road there is a continuous clear space not less than two feet in width between vehicles running therein and one side of the road, every refuge hole therein shall be on that side of the road.

(4) Where in any length of road such clear space is not provided, any refuge holes in a part of the road which curves shall be on the outside of the curve and, so far as is consistent with that requirement, all the refuge holes therein shall be on the same side of the road.

* Section 42 (1) applies when persons are being carried. This provision, therefore, only applies on an occasion when no person is being carried.

(5) The manager of a mine may permit vehicles to run in a length of road, notwithstanding that refuge holes are not provided therein in accordance with the provisions of section forty of the Act and the preceding paragraphs of this regulation, if as regards that length of road—

- (a) the aggregate weight of mineral carried therein in any hour does not exceed ten tons; or
- (b) there is a continuous clear space not less than two feet in width between the vehicles and one side of the road.

25. (1) Where means of transmitting signals are provided in pursuance of section forty-six of the Act in relation to rope haulage apparatus or a conveyor installed in a road, the manager of the mine shall determine the signals to be used in connection with the operation of that apparatus or conveyor.

(2) There shall be kept posted at the place at which the apparatus or conveyor is operated and at suitable places along the road a notice specifying the signals determined by the manager for use therein.

26. A sufficient supply of suitable sprags, lockers or drags shall be provided, maintained and used for the purpose of holding vehicles—

- (a) at the top of every incline on which vehicles are moved by gravity operated rope haulage apparatus*; and
- (b) at suitable points on any length of road in which the gradient exceeds 1 : 20.

PART VIII

Lighting, lamps, explosives, precautions against fire and inrushes

Lighting

27. The manager of every mine shall secure the provision and maintenance of suitable and sufficient lighting at such entrances below ground to each shaft or outlet and at such sidings provided in relation thereto as are regularly used whenever persons are working thereat or walking therethrough.

Lamps

28. The manager of every mine in which or in part of which the use of lamps or lights, other than permitted lights* is unlawful shall make and ensure the efficient carrying out of arrangements to secure that no safety-lamp is taken for use below ground in that mine or part unless it has since last in use been thoroughly examined and found to be in safe working order and unless it is securely locked.

29. No person employed below ground at a mine shall leave his working place without taking his portable lamp or light with him.

Explosives

30. No person shall take into or use in any mine any blasting material or device† except in accordance with regulations‡ applicable to that mine.

* See definition in Section 182 (1) of the Act.

† See definition in Section 69 (4) of the Act.

‡ See footnote to Section 69 (1) of the Act.

Precautions against fire

31. At every building or structure at or adjoining the top of a shaft or outlet and in every engine room, motor room or boiler gallery, being a building, structure, room or gallery in the construction of which timber is used, there shall be provided and maintained suitable and sufficient means of extinguishing any fire thereat.

32. (1) No inflammable material shall be used in the construction of any room or compartment containing electrical apparatus below ground in any mine, or inside any such room or compartment in proximity to such apparatus, unless the apparatus is so constructed, protected and worked as to obviate the risk of fire.

(2) No oil or other inflammable material shall be stored in any place below ground containing electrical apparatus.

33. At any place below ground in any mine at which electrical apparatus immersed in more than one hundred gallons of oil in the aggregate is installed the manager shall secure the provision of suitable and sufficient means for localising and extinguishing any fire resulting from the ignition of the oil.

34. No loose material which is burning shall be left unattended below ground otherwise than in pursuance of section seventy-nine or section eighty of the Act.

35. No calcium carbide shall be taken below ground otherwise than in a lamp or in a water-tight metal container.

Precautions against inrush of liquid or gas

36. Without prejudice to the obligation imposed by section seventy-seven of the Act, where at any time there is reasonable cause to apprehend that any working in a mine is within one hundred and twenty feet of a place which may contain an accumulation of water or other liquid matter or noxious gas—

- (a) the working shall not be more than eight feet in width or eight feet in height;
- (b) there shall constantly be kept in advance of the face of the working at least one bore hole not less than ten feet in length in igneous rock or fifteen feet in length in other strata; and
- (c) there shall be kept such flank, roof and floor bore holes of similar length as may be necessary to ensure that any water or other liquid matter or gas in that place will be tapped in the first instance by a bore hole.

PART IX

Machinery and ropes

General

37. (1) No person shall clean any machinery which is in motion.

(2) No person shall oil or grease any machinery which is in motion unless provision is made for the operation to be performed in safety.

(3) No person shall put any belt on or off a pulley while any machinery of which it forms part is in motion under mechanical power otherwise than by means of a safety contrivance.

38. *At every mine a competent person appointed for that purpose by the manager shall at intervals not exceeding seven days examine any machinery and apparatus forming part of the equipment of the mine other than machinery or apparatus the periodical examination of which at more frequent intervals is expressly provided for by regulations (including these regulations) or any winding or haulage apparatus which is in use solely for carrying persons through any shaft, staple-pit or unwalkable outlet but which is not ordinarily so used.

Maintenance of winding and haulage apparatus

39. *At every mine a competent person appointed for the purpose by the manager shall examine thoroughly—

- (a) at intervals not exceeding twenty-four hours, the external parts of any winding or haulage apparatus (including any apparatus ancillary thereto) which is in use for carrying persons through any shaft, staple-pit or unwalkable outlet;
- (b) at intervals not exceeding three months and immediately before use for carrying persons on any occasion, any winding or haulage apparatus which is provided for any shaft, staple-pit or unwalkable outlet but which is not ordinarily so used.

40. *(1) At every mine a competent person appointed for the purpose by the manager shall at intervals not exceeding six months thoroughly examine all apparatus (including any detaching hook) provided for attaching to the rope any cage, carriage or kibble ordinarily used in a shaft, staple-pit or unwalkable outlet.

(2) The manager of every mine shall make and secure the efficient carrying out of arrangements whereby any such apparatus so used is at intervals not exceeding six months annealed or subjected to other appropriate heat treatment:

Provided that in relation to any apparatus made of any steel which does not require heat treatment an inspector may by notice served on the manager of the mine exempt such apparatus from the application of this paragraph.

(3) The manager of every mine shall make and secure the efficient carrying out of arrangements whereby every detaching hook is dismantled, cleaned and refitted at intervals not exceeding three months.

(4) Where the efficient operation of any detaching hook would be affected by wear of any ancillary plate or bell a competent person appointed for the purpose by the manager shall at intervals not exceeding thirty days measure the relevant dimensions by means of calipers or gauges.

Ropes

41. (1) No spliced rope shall be used for winding in a shaft or staple-pit in which persons are raised or lowered.

(2) No rope shall be so used for more than three and a half years:

Provided that if the Minister, having regard to the condition of the rope and the extent to which and the circumstances in which it has been used, is satisfied that it can be used for such winding for a further period without danger, he

* For provision about reports, see Regulation 81.

may by notice served on the manager authorise such use of that rope for a further period.

42. No rope shall be used in winding apparatus in which the rope is wound on a drum unless it is of such a length that there are at least two rounds of it on the drum when the cage or kibble is at the lowest entrance of the shaft or staple-pit.

43. *(1) A competent person appointed for the purpose by the manager of the mine shall at intervals not exceeding thirty days thoroughly examine each rope used for winding in a shaft or staple-pit.

(2) In the course of any such examination the rope shall be thoroughly cleaned at all places particularly liable to deterioration and at other places not more than three hundred feet apart throughout its length and at each of these places after cleaning examination shall be made of the circumference and surface condition of the rope and for any fractures of the wires.

Capels of winding and haulage ropes

44. No capped rope shall be used in winding or haulage apparatus unless the capping is of a type which has been found to withstand a load of—

- (a) in the case of a rope used in winding apparatus, at least seven times the maximum static load which may be suspended on that rope;
- (b) in the case of a rope used in haulage apparatus, at least sixty per cent. of the breaking strain of rope of that type.

45. No capped rope shall be used in any haulage apparatus by means of which persons are carried or in any winding apparatus unless when the capping was made the work was superintended by a competent person appointed for that purpose by the manager of the mine.

46. No capped rope shall be used at any time for winding in any shaft or staple-pit unless the capping has been made within the period of six months immediately preceding that time.

47. (1) No rope which has been re-capped shall be used in any haulage apparatus by means of which persons are carried or in any winding apparatus unless on the last occasion on which it was re-capped a part of the rope including the capping not less than six feet in length was cut off: so however that if at the date of any re-capping the preceding capping or re-capping was done not more than three, four or five months previously the part to be cut off need not exceed three, four or five feet respectively. .

(2) *Any length of rope cut off in pursuance of this regulation shall forthwith be opened up and its internal condition examined by a competent person appointed for the purpose by the manager of the mine.

48. No rope having a capping containing white metal shall be used in any winding or haulage apparatus unless—

* For provision about reports, see Regulation 81.

- (a) the capping was made with white metal of which the melting point is not higher than 570° Fahr., and the temperature of which when poured into the socket of the capel did not exceed 685° Fahr.;
- (b) in the length of rope which lies within the tapered part of the socket any fibre core was cut out when the capping was made and the wires were then untwisted and thoroughly cleaned; and
- (c) the temperature of the socket of the capel was as nearly as might be 212° Fahr. immediately before the white metal was poured into it.

49. No rope with a form of capping in which the wires at the end of the rope are bent back on the rope itself to form a cone shall be used in any haulage apparatus by means of which persons are carried or in any winding apparatus, unless—

- (a) wedges formed by lapping with soft iron wire are placed between the rope and the wires which are bent back; and
- (b) the length of the tapered portion of the socket of the capel is not less than eight times the diameter of the rope.

50. No round rope to which a capel is attached by rivets passing through the rope shall be used in any haulage apparatus by means of which persons are carried or in any winding apparatus.

*Lifting machines**

51. (1) At every mine a competent person appointed for that purpose by the manager shall thoroughly examine at intervals not exceeding fourteen months all parts and working gear whether fixed or moveable including the anchoring and fixing appliances of any crane, crab or winch operated by mechanical power and used as a lifting machine.

(2) No crane, crab or winch operated by mechanical power (other than a new machine) which has been dismantled or out of regular use for a period exceeding two months shall be taken into use as a lifting machine at any mine for the first time at that mine unless immediately prior thereto all parts and working gear thereof, whether fixed or moveable, including the anchoring and fixing appliances have been thoroughly examined by a competent person appointed for that purpose by the manager.

52. Every crane, crab or winch operated by mechanical power and used as a lifting machine at a mine shall be provided with an efficient catch or an efficient brake.

Steam boilers†

53. (1) Every steam boiler at a mine shall be provided with—

- (a) a steam gauge and a water gauge to show respectively the pressure of steam and the height of water in each boiler; and
- (b) unless it is externally fired, a suitable fusible plug or an efficient low water alarm device.

* The provisions of Regulations 51 and 52 are additional to the provisions of Section 85 of the Act.

† The provisions of Regulations 53 to 58 are additional to the provisions of Section 84 (1) of the Act. The term "steam boiler" is defined in Regulation 82 (1).

(2) This regulation shall not apply to economisers or superheaters.

54. (1) Every steam boiler at a mine shall be provided with a suitable safety valve.

(2) No person shall alter the setting of any safety valve attached to any steam boiler except with the authority of an official of the mine under whose direction he works.

55. Every water gauge attached to any steam boiler at a mine shall be provided with a suitable covering or guard unless it is so constructed as to be as safe to persons working or passing near-by as it would be if so protected.

56. (1) Every steam boiler at a mine and all its fittings and attachments shall—

(a) be cleaned out and examined internally as far as the construction thereof will permit at intervals not exceeding six months by a competent person appointed for that purpose by the manager; and

(b) be examined thoroughly at intervals not exceeding fourteen months by a competent person so appointed.

(2) No steam boiler which has been in use at the mine or elsewhere and which has received extensive repairs or been dismantled or been out of regular use for a period exceeding one month shall be taken into use at any mine for the first time at that mine unless immediately prior thereto it and all its fittings and attachments have been examined thoroughly by a competent person appointed for the purpose by the manager.

57. A person who has made an examination of a steam boiler in pursuance of the last preceding regulation shall, within twenty-eight days of the completion of the examination, make and sign in, or make, sign and attach to, a book* provided for that purpose by the owner of the mine, a full and accurate report of the result of the examination which shall include the permissible working pressure of the boiler :

Provided that if the person appointed by the manager to make the examination is a boiler inspection company or association the report shall be a report signed by the person making the examination, countersigned by the chief engineer or other officer of similar status of the company or association and delivered to the manager for attachment to the said book within twenty-eight days of the completion of the examination.

58. (1) No new steam boiler shall be taken into use at a mine unless there has been obtained from the manufacturer thereof or some other competent person a certificate stating the nature of any tests to which the boiler and its fittings and attachments have been submitted and specifying the maximum permissible working pressure thereof and the boiler is so marked as to enable it to be identified as the boiler to which the certificate relates.

(2) Every such certificate shall be preserved until the expiration of three years after the date on which it was given.

* M. & Q. Form Nos. 253, 254 (110), 255 (110A), 256 (111) and 257 (112).

*Air receivers**

59. (1) Every air receiver at a mine shall—

- (a) have marked upon it so as to be plainly visible the maximum safe working pressure and be fitted with an accurate pressure gauge;
- (b) be fitted with a suitable safety valve so adjusted as to permit the air to escape as soon as the maximum safe working pressure is exceeded; and
- (c) be fitted with a blow-off cock through which any fluid which may accumulate in the receiver may be blown off.

(2) For the purposes of the provisions of the foregoing paragraph relating to pressure gauges and safety valves any set of air receivers supplied with air through a single pipe to which the pressure gauge and safety valve are fitted may be treated as one receiver.

(3) The manager shall make and ensure the carrying out of arrangements whereby any blow-off cock is opened at least once in every working day whilst an air receiver is under pressure.

60. (1) Every air receiver at a mine shall be thoroughly cleaned and examined at intervals not exceeding twenty-six months by a competent person appointed for the purpose by the manager. If any receiver of solid drawn construction is so made that the internal surface cannot be thoroughly examined a suitable hydraulic test of the receiver shall be carried out instead of internal examination.

(2) A person who has made an examination of an air receiver in pursuance of this regulation shall forthwith make and sign in, or make, sign and attach to, or make, sign and deliver to the manager for attachment to, a book† provided for that purpose by the owner of the mine, a full and accurate report of the result of the examination.

(3) If a person who has carried out an examination of an air receiver of solid drawn construction specifies in his report that in his opinion further examination is unnecessary for a period so specified being a period exceeding twenty-six months but not exceeding four years, paragraph (1) hereof shall have effect as if it required examination before the expiration of the period so specified instead of twenty-six months.

Lines and sidings

61. No lines of rails of a gauge of or exceeding four feet eight and a half inches (other than a railway line belonging to a railway company)‡ shall be installed or used at any mine except in accordance with regulations applicable to that mine.

PART X

Discipline

62. No person shall be at a mine in a state of intoxication or without the permission of the manager shall bring any intoxicating liquor to a mine.

* The provisions of Regulations 59 and 60 are additional to the provisions of Section 84 (1) of the Act. The term "air receiver" is defined in Regulation 82 (1).

† M. & Q. Form Nos. 258 (109) and 259 (109A).

‡ See definition in Section 182 (1) of the Act.

63. No person shall travel by means of an aerial rope-way at a mine otherwise than under the authority in writing of the manager of the mine.

64. Except under the authority of an official of the mine, no person employed in any mine shall travel below ground to or from his work by any road other than those notified by the manager for the purpose, or go into any part of the mine which it is not necessary for him to enter for the purpose of his work.

65. Any person who opens any door intended to direct the ventilation in a mine shall secure that it is closed forthwith, and any person who moves any screen or sheet intended for that purpose shall secure that it is replaced forthwith.

66. Except with the authority of an official of the mine, no person shall pass beyond any enclosure or barrier or danger signal or open any locked door.

67. (1) Every person engaged at any working face (including a place in a road at which ripping or work of repair is in progress) or in setting or withdrawing supports shall make a careful examination of his working place at the beginning of each period of work and at appropriate times during the course of it and in particular after any shot has been fired thereat or near-by and after any other interruption of work. He shall remove or secure any loose part of the roof, face or sides at his working place which might be dangerous.

(2) Every person so engaged shall take any necessary steps to avoid interruption of the ventilation of the mine whether by accumulations of mineral, vehicles or stores.

68. No person shall work on any ledge or other place at a mine which is not fenced and from which he may fall fifteen feet or more unless he has been provided with a rope or other suitable appliance for his protection and he has at the beginning of that period of work satisfied himself of the safety of the rope or appliance and he is secured by it.

69. Except in a shaft or staple-pit in the course of being sunk, no person shall remain underneath anything suspended from winding apparatus or any lifting appliance.

PART XI

Welfare

70. No young person who has not attained the age of sixteen shall be employed at a mine unless he has been examined by a medical practitioner who is an appointed factory doctor for the purposes of the Factories Acts, 1937 and 1948 in like manner as if the examination were an examination for the purposes of those Acts and he has been certified* by that practitioner to be fit for that employment.

First aid

71. (1) Without prejudice to the generality of subsection (1) of section ninety-one of the Act, it shall be the duty of the manager of every mine to secure the provision and maintenance—

* M. & Q. Form No. 220 (20B)

- (a) on the surface thereat in a place which is readily accessible, of a first aid box or cupboard distinctively marked "First Aid" and containing a copy of any first aid leaflet* approved for the purpose by the Minister but otherwise containing nothing except first aid requisites and appliances;
- (b) at suitable places below ground thereat, of adequate equipment for rendering first aid; and
- (c) both on the surface and below ground in readily accessible places suitable stretchers for the safe removal of persons employed at the mine who suffer bodily injury or become ill.

(2) Every such first aid box or cupboard shall contain—

- (a) sterilized dressings of large and small sizes including non-medicated burn dressings;
- (b) cotton wool or other material for padding;
- (c) roller bandages;
- (d) splints (four and a half feet, three feet and one foot), the appropriate triangular bandages therefor and splint padding;
- (e) suitable anticeptic and eyedrops;
- (f) a tourniquet; and
- (g) a bottle of meat extract, coffee extract or other stimulant and a drinking vessel.

(3) The manager shall appoint responsible persons to be in charge of the first aid box or cupboard, so that such a person is readily available at all times at which any person is working in the mine. Every person so appointed shall be the holder of a certificate of proficiency in first aid granted by a society or body approved† by the Minister for the purpose.

(4) There shall be provided in the covered accommodation provided in accordance with section one hundred and thirty-five of the Act a notice stating the names of the persons for the time being appointed in pursuance of the last preceding paragraph.

(5) It shall be the duty of the manager of every mine to appoint persons who hold such certificates of proficiency and to make arrangements to secure, so far as practicable, that there is in the mine below ground on each shift one such person for each ten persons in the total number of persons wholly or mainly employed therein on that shift.

(6) It shall be the duty of the manager of a mine to secure the provision of a suitable appliance to minimise discomfort and prevent aggravation of any injury—

* M. & Q. Form No. 264 (99).

† The following society and bodies have been approved. The date of approval is given after the name in each case: Birmingham University (5th June, 1915); British Red Cross Society (11th May, 1915); Glamorganshire Education Committee (2nd February, 1915); Heriot-Watt College, Edinburgh (9th February, 1915); King's College, Newcastle-on Tyne (19th June, 1939); Leeds University (8th May, 1950); St. Andrew's Association (10th July, 1913); and St. John Ambulance Association (10th July, 1913). Certificates have not been issued by the Glamorganshire Education Committee since 1932, but examinations on its behalf are conducted by St. John Ambulance Association.

- (a) at every shaft or unwalkable outlet through which injured persons are raised and in which the cage or carriage is not large enough to permit of a stretcher being laid flat therein;
- (b) at every shaft or unwalkable outlet through which persons are raised otherwise than in a cage or carriage;
- (c) at every shaft or unwalkable outlet in the course of being sunk or driven; and
- (d) in every mine in which workings are steeply inclined.

(7) The owner of every mine shall provide and maintain a suitably constructed ambulance carriage for the conveyance where necessary to hospital or their homes of persons who while employed at the mine suffer bodily injury or become ill, or shall make such arrangements as will provide such a carriage for that purpose promptly from a place within a reasonable distance of the mine.

(8) It shall be the duty of the manager of every mine to make and ensure the efficient carrying out of arrangements whereby he or a competent person appointed by him inspects at intervals not exceeding thirty days all equipment provided at the mine for the purpose of rendering first aid to ensure that it is in conformity with this regulation.

(9) Where an inspector is of opinion that as regards any mine any of the requirements of this regulation may reasonably be suspended or relaxed, he may by notice served on the manager of the mine suspend or relax that requirement to such extent as is specified in the notice.

(10) Every dressing provided in pursuance of this regulation and in respect of which a standard is specified in the British Pharmaceutical Codex shall comply in all respects with that standard.

Changing and messing

72. (1) There shall be provided and maintained at every mine—

- (a) for the use of all persons employed thereat, suitable accommodation on the surface for changing and drying clothes, not being accommodation in an engine house or boiler house;
- (b) for the use of all persons employed on the surface thereat, suitable accommodation for the taking of meals furnished with facilities for heating food and boiling water.

(2) At any mine at which more than ten persons are employed on the surface on any shift the accommodation provided respectively under sub-paragraphs (a) and (b) of the last preceding paragraph shall be separate.

(3) The accommodation provided under paragraph (1) of this regulation shall be kept clean and the ceilings and all inside walls and partitions of such accommodation shall, unless they are kept painted or have a smooth impervious surface, be whitewashed or colourwashed at intervals not exceeding fourteen months.

(4) If an inspector is of opinion with respect to any mine that it would not be right to require compliance with any provision of this regulation he may by notice served on the manager exempt that mine from compliance with that provision.

*Sanitary conveniences**

73. It shall be the duty of the manager of every mine to ensure—

- (a) that all sanitary conveniences provided above ground at the mine are—
 - (i) under cover;
 - (ii) so screened as to secure privacy for persons using them; and
- (b) that every sanitary convenience provided at the mine for the use of females is provided with a door which can be firmly secured on the inside when shut.

PART XII

Miscellaneous provisions

Ladders

74. (1) Any fixed ladder ordinarily in use below ground shall be inclined at the most convenient angle which the available space allows and shall not in any case be in a vertical or overhanging position.

(2) Every ladder exceeding thirty feet in length and ordinarily in use below ground shall have substantial platforms at intervals of not more than thirty feet and unless strong hand holds are provided shall project at least three feet above each platform or landing.

Fencing

75. The top of any hopper or kiln shall be kept securely fenced.

76. Any gantry or platform (other than a temporary wheeling plank) shall be securely fenced on any open side if it would otherwise be dangerous to persons working on or passing along it, and any such gantry or platform shall be provided with a continuous skirting board not less than nine inches high on any open side.

77. Any road or way below ground which passes or crosses any sink or stope shall be securely fenced on any open side if it would otherwise be dangerous to persons passing along it.

Clearance of ledges

78. It shall be the duty of the manager of every mine to make and ensure the efficient carrying out of arrangements to secure that loose materials are not allowed to accumulate on ledges or landings from which they might fall and cause injury.

Disused shafts

79. No person shall descend any shaft or staple-pit which is not ordinarily used by any person, unless it has been ascertained, by the lowering of a flame lamp or otherwise, that it does not then contain any dangerous concentration of noxious gas.

Assignment of duties to competent persons

80. It shall be the duty of the manager of every mine to make and ensure the efficient carrying out of arrangements to secure that every inspection, exami-

* See also Section 94 of the Act.

nation or other thing required by these regulations to be carried out or done by a competent person appointed by him is assigned to a competent person so appointed. A manager may in any case appoint himself.

Reports of inspections and examinations

81. Except in the case of any examination of a steam boiler in pursuance of regulation fifty-six or any inspection of first aid equipment in pursuance of paragraph (8) of regulation seventy-one, and subject (in the case of any examination of an air receiver) to the provisions of paragraph (2) of regulation sixty, any person who has made an inspection or examination required by these regulations to be made by a competent person appointed by the manager of the mine shall forthwith make and sign in a book* provided for the purpose by the owner of the mine a full and accurate report of the result of the inspection or examination.

Interpretation

82. (1) In these regulations the following expressions have the meanings hereby respectively assigned to them, that is to say—

“the Act” means the Mines and Quarries Act, 1954;

“air receiver” means—

(a) any vessel (other than a pipe or coil, or an accessory, fitting or part of a compressor) for containing compressed air and connected with an air compressing plant; and

(b) any fixed vessel for containing compressed air or compressed exhaust gas and used for the purpose of starting an internal combustion engine;

“banksman” has the meaning assigned thereto in regulation fifteen;

“cage” includes skip or gig;

“kibble” includes any form of bucket, basket or barrel in which things may be raised or lowered in a shaft or staple-pit;

“mine” has the meaning assigned thereto in regulation one;

“steam boiler” means any closed vessel, whether separate or one of a range, in which for any purpose steam is generated at pressure greater than atmospheric pressure and includes any economiser used to heat water being fed to any such vessel and any superheater used for heating steam.

(2) Expressions to which meanings are assigned by the Act or by these regulations shall (unless the contrary intention appears) have the same meanings in any document issued under the provisions of these regulations.

(3) The Interpretation Act, 1889, shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

* The appropriate books are:

Regulation	4 (a)	M. & Q. Form No.	(117)
”	5	”	245 (119)
”	6 (2)	”	246 (121)
”	38	”	247 (120)
”	39	”	248 (118)
”	40 (1)	”	249
”	43	”	250
”	47 (2)	”	251
”	51	”	252 (123)

2. THE MISCELLANEOUS MINES (ELECTRICITY) REGULATIONS, 1956

By the Miscellaneous Mines (Electricity) Order, 1956 (S.I. 1956 No. 1779), made under Section 190 (1) of the Mines and Quarries Act, 1954, the provisions set out below have effect as if they were regulations made under Section 141 of the Act coming into operation at the commencement of the Act, and may be cited as the Miscellaneous Mines (Electricity) Regulations, 1956.

The order provides that any exemption, approval or notice given for the purpose of a provision of the Metalliferous Mines General Regulations, 1938 (S.R. & O. 1938 No. 630) shall, if in force at the commencement of the Act and so far as it could have been given for the purposes of these regulations, have effect as if it had been so given.

Application

1. These regulations shall apply to every mine other than a mine of coal, stratified ironstone, shale or fireclay, and in these regulations "mine" means such a mine.

Plans

2. It shall be the duty of the manager of every mine in which electrical apparatus is installed below ground to keep at the office at the mine, or at such other place as may be approved by an inspector, a plan showing the position of all such apparatus other than portable apparatus and flexible cables.

Main switchgear for cutting off electricity

3. (1) There shall be provided at the surface at every mine in which electrical apparatus is installed below ground suitable switchgear for cutting off the supply of electricity from all that apparatus.

(2) The manager of every such mine shall make and secure the efficient carrying out of arrangements whereby a competent person appointed by him for the purpose of operating such switchgear is in attendance at the surface at the mine whenever any cable below ground in the mine is live.

(3) For the purpose of securing the prompt operation of such switchgear when necessary there shall be provided telephonic communication between the surface and one or more convenient places below ground.

Other means for cutting off electricity

4. (1) There shall be provided in relation to every electrical circuit at any mine, other than a circuit comprising solely telephone or signalling apparatus, effective means for cutting off the supply of electricity automatically from that circuit if the current therein should be dangerously excessive.

(2) There shall be provided in relation to every such electrical circuit—

(a) in which alternating current at a voltage exceeding six hundred and fifty is used; or

(b) which comprises portable apparatus and in which alternating current at a voltage exceeding one hundred and twenty-five is used;

effective means for cutting off the supply of electricity automatically from that circuit if the leakage current to earth should exceed fifteen per cent. of the maximum current for which that circuit is designed.

Apparatus for use where inflammable gas may occur

5. In any part of a mine below ground in which inflammable gas may occur in a quantity sufficient to indicate danger, no electrical apparatus shall be used other than apparatus of a type approved* by the Minister for use in such conditions.

Suitability of apparatus

6. No electrical apparatus shall be used at any mine unless it is of sufficient power or capacity to avoid dangerous overloading and, without prejudice to the generality thereof, every circuit breaker† shall be of adequate breaking capacity to operate safely on the occurrence of a short circuit.

Earthing

7. (1) There shall be connected to earth at the surface in such manner as will ensure immediate electrical discharge without danger—

- (a) every metallic part of any electrical apparatus at any mine, except a part used as a conductor;
- (b) every metallic part of any covering or container of, or mounting for, any such electrical apparatus; and
- (c) every metallic part of any equipment of the mine so situate as to be likely to become charged by contact with any conductor.

(2) Every earthing conductor installed for the purposes of the last preceding paragraph shall have a cross-sectional area not less than 0.022 square inches:

Provided that the provisions of this paragraph shall not apply to an earthing conductor being—

- (a) the metallic covering of a cable; or
- (b) in the case of a multi-core flexible cable used to supply portable apparatus, one of the conductors in that cable; or
- (c) a part of an overhead line on the surface.

(3) Every connection to or in any earthing conductor shall be mechanically secure and electrically efficient.

(4) No automatic circuit opening device shall be placed in any earthing conductor provided in pursuance of this regulation.

(5) Nothing in this regulation shall apply to—

- (a) any metallic part which cannot be touched by any person while any relevant circuit is live; or
- (b) any metallic part, other than a part of portable apparatus, where the voltage in any relevant circuit does not exceed two hundred and fifty direct current or one hundred and twenty-five alternating current; or
- (c) any telephone or signalling apparatus.

8. (1) In every two-wire system which is used wholly or mainly for the purposes of traction at any mine and in which the running rails form part of the circuit, the pole to which they are connected shall be connected to earth at the surface in such manner as will ensure immediate electrical discharge without danger.

* Lists of approved apparatus are published separately.

† Includes a fuse (see definition in Regulation 26 (1)).

(2) In every two-wire circuit in which the supply of electricity is derived from the secondary winding of a single phase transformer, being a circuit used solely for indicating instruments or other accessories of switchgear including any fixed lights associated therewith, one pole shall be connected at one place but no more to earth at the surface.

(3) In every circuit in which alternating current at a voltage exceeding twenty-five is used the neutral point shall be connected at one place but no more to earth at the surface:

Provided that in the case of a three phase three-wire circuit in which the supply of electricity is derived from the secondary winding of a three phase transformer, being a circuit used solely for indicating instruments or other accessories of switchgear including any fixed lights associated therewith, one pole thereof may be so earthed instead of the neutral point.

(4) Any system or circuit other than the aforesaid which is connected to earth shall be so connected at one place but no more.

(5) No automatic circuit opening device shall be placed in any such connection to earth.

9. Where at any mine two or more earth plates are used at the surface for the purposes of the two last preceding regulations and the electrical resistance between them or any two of them exceeds two ohms, they shall be connected by a conductor having a cross-sectional area not less than 0.022 square inches:

Provided that if any such earth plate used for the purposes of regulation eight is inaccessible to the owner of the mine, the provisions of this regulation shall not apply in relation to that earth plate but the resistance between any other earth plates and the general mass of earth shall not exceed two ohms.

Insulation and armouring

10. (1) Every conductor forming part of an electrical system at a mine other than—

(a) a conductor so placed or otherwise safeguarded as to prevent danger; or
(b) telephone or signalling apparatus; or

(c) a conductor in a circuit in which the voltage does not exceed twenty-five; shall be covered with insulating material.

(2) The insulation resistance of any circuit, other than the insulation resistance of any conductor which is an earthing conductor, shall be so maintained that in normal working the leakage current does not exceed one ten thousandth part of the maximum current for which that circuit is designed:

Provided that this paragraph shall not apply to overhead lines on the surface or to telephone or signalling apparatus.

11. (1) Every cable at a mine comprising a conductor which is required by these regulations to be covered with insulating material, other than a flexible cable used to supply portable apparatus, shall be a cable protected throughout by a suitable metallic covering containing all the conductors forming part of the same electrical system at that place.

(2) Every such metallic covering shall have a conductivity throughout not less than half that of the conductor having the greatest current carrying capacity enclosed thereby.

(3) Nothing in this regulation shall apply to a cable in any circuit in which the voltage does not exceed two hundred and fifty direct current or one hundred and twenty-five alternating current.

12. (1) Wherever any cable (including a flexible cable) protected by a metallic covering is connected to other apparatus, that metallic covering shall be securely attached to that apparatus.

(2) Any material insulating any conductor in any cable shall be efficiently sealed at any point at which that conductor is connected to other apparatus where its insulating property might be diminished by moisture.

Flexible cables

13. (1) No single-core flexible cable shall be used for supplying portable apparatus at any mine.

(2) Every flexible cable so used shall comprise an earthing conductor having throughout a cross-sectional area and conductivity not less than that of the other conductor in that cable having the greatest current carrying capacity.

(3) Every flexible cable so used in a circuit in which the voltage exceeds two hundred and fifty direct current or one hundred and twenty-five alternating current shall be protected throughout by—

(a) a metallic covering containing all the conductors forming part of that circuit at that place and having a conductivity not less than half that of the conductor enclosed thereby, other than the earthing conductor, having the greatest current carrying capacity or, where that is impracticable, having a conductivity not less than that of a copper conductor with a cross-sectional area of 0.022 square inches; or

(b) a screen of wires containing more or less completely all the conductors forming part of the circuit at that place and having a conductivity not less than that of a copper conductor with a cross-sectional area of 0.022 square inches; or

(c) screens of wires enclosing separately but more or less completely all the conductors forming part of the circuit at that place, other than the earthing conductor, and each having a conductivity not less than that of a copper conductor with a cross-sectional area of 0.011 square inches.

(4) Without prejudice to the application of paragraph (1) of regulation twelve wherever any flexible cable is connected to other apparatus it shall be so attached as to hold the cable securely and, where necessary having regard to its position, to exclude water.

(5) Nothing in this regulation shall apply to telephone or signalling apparatus.

Restriction on use of high voltages

14. (1) Electricity at a voltage exceeding two hundred and fifty direct current or twenty-five alternating current shall not be applied to any portable hand lamp at any mine.

(2) Electricity at a voltage exceeding two hundred and fifty direct current or one hundred and twenty-five alternating current shall not be applied to any portable apparatus at any mine unless—

(a) in the case of apparatus comprising one or more motors, that motor or one of them is rated at more than five horse power; or

(b) in the case of other apparatus, the rated input exceeds five kilovolt amperes.

Transformers

15. In any transformer at a mine suitable provision shall be made by earthing or otherwise to guard against danger arising from the charging of lower voltage components by leakage or induction from higher voltage components.

Examination and operation of electrical apparatus

16. (1) It shall be the duty of the manager of every mine to make and ensure the efficient carrying out of arrangements for—

- (a) the external examination of all electrical apparatus at the mine at intervals not exceeding seven days by a competent person appointed by him;
- (b) the examination and testing of all electrical apparatus by such a person before it is put into use after installation, re-installation or repair in particular as regards the insulation resistance and the conductivity of any earthing conductor comprised therein or associated therewith; and
- (c) the testing of all parts of every circuit at the mine by such a person at intervals not exceeding six months, or such longer interval as an inspector may by notice served on the manager permit, as regards the insulation resistance thereof and the conductivity of the earthing conductor and earth plates.

(2) Every person who has made a test in pursuance of this regulation shall forthwith record and sign a report thereon in a book* provided by the owner of the mine for the purpose.

17. No person other than a competent person authorised by the manager so to do shall undertake any work relating to the installation, repair, examination, testing or operation of any electrical apparatus and without prejudice thereto the manager shall not authorise any person to undertake any work for which technical knowledge is required to avoid danger except a person appointed by him as an electrician of the mine.

18. No person shall commence work upon any conductor in a circuit in which the voltage is such that that conductor might be a source of danger to him until that conductor has been made dead and any necessary steps have been taken, whether by earthing or otherwise, to ensure that it will remain dead until the work is finished.

Protection of apparatus

19. Every person doing any work which may result in such damage to any electrical apparatus at a mine that that apparatus might be a source of danger to persons employed thereat shall take such steps to protect it from such damage as may be appropriate.

Fencing of outdoor apparatus

20. Wherever any transformer or switchgear is installed at the surface of a mine otherwise than in a building the apparatus shall be efficiently protected by fencing not less than eight feet high or other efficient means for preventing any unauthorised person from gaining access to the apparatus or any thing connected therewith used as a conductor:

* M. & Q. Form No. 262 (124).

Provided that this regulation shall not apply where the apparatus is completely enclosed with a metal casing which is connected with earth and any cables connected with the apparatus are protected by a metallic covering.

Overhead lines

21. Every overhead line at the surface of a mine constructed after the first day of July, nineteen hundred and thirty-eight, shall be so constructed and maintained that if it was the line of an authorised undertaker or an Electricity Board it would be in compliance with any regulations relating thereto in force at the date of construction and made under the Electricity (Supply) Acts, 1882 to 1936, or made or having effect under section sixty of the Electricity Act, 1947:

Provided that nothing in this regulation shall require compliance in respect of any temporary line installed and removed within a period of three months with any provision of such regulations relating to the factor of safety of supports.

Protection from lightning

22. Wherever necessary to prevent danger in any mine, suitable means shall be provided at the surface to protect any apparatus below ground from abnormal voltage due to atmospheric electricity.

Notices

23. It shall be the duty of the manager of every mine to secure that notices containing directions on the treatment of persons suffering from electric shock are kept posted in such positions and such characters as to be easily seen and read wherever electrical apparatus is installed from which a dangerous shock might be received.

Savings

24. Nothing in these regulations shall apply to—

- (a) any electrical apparatus which is not used and is not intended to be used as, and does not form and is not intended to form, part of the equipment of a mine; or
- (b) any electrical apparatus operated at a mine by an Electricity Board within the meaning of subsection (1) of section sixty-seven of the Electricity Act, 1947, being such apparatus thereat other than any such apparatus on the consumer's side of the consumer's terminals within the meaning of section one of the Schedule to the Electric Lighting (Clauses) Act, 1899, as incorporated with the said Electricity Act, 1947.

Exemptions

25. The Chief Inspector of Mines, if he is satisfied that the application of any provision of these regulations is inappropriate in relation to any mine or part of a mine or is not requisite for safety in relation to any electrical apparatus therein, may by notice served on the manager of that mine grant exemption from that provision in respect of that mine or part thereof or in respect of that apparatus, as the case may be.

Interpretation

26. (1) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

“the Act” means the Mines and Quarries Act, 1954;

“circuit breaker” includes a fuse;

“electrical apparatus” includes electric cables and any part of any machinery, apparatus or appliance being a part designed for the generation, conversion, storage, transmission or utilisation of electricity;

“flexible cable” means a cable which is designed to be moveable while in use;

“metallic covering” in relation to any cable means an iron or steel wire covering or a rigid iron, steel or other hard metal pipe;

“mine” has the meaning assigned thereto in regulation one;

“portable apparatus” includes any electrical apparatus that is designed to be moved while working;

“telephone or signalling apparatus” means any system used exclusively for either or both of such purposes and supplied with electricity from a battery of primary or secondary cells at a voltage not exceeding fifty or, in the case of telephones, from magneto generators operated by hand.

(2) Expressions to which meanings are assigned by the Act or by these regulations shall (unless the contrary intention appears) have the same meanings in any document issued under the provisions of these regulations.

(3) The Interpretation Act, 1889, shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. THE MINES (MANNER OF SEARCH FOR SMOKING MATERIALS) ORDER, 1956

Made under Section 66 (8) of the Mines and Quarries Act, 1954.

1. Every search made in pursuance of the said section sixty-six of the Act at any mine shall be made in the manner following, that is to say—

(a) the search shall be made by a person appointed for the purpose in writing by the manager of the mine (that person being hereinafter referred to as “the searcher”);

(b) in the case of a search of any person employed or about to be employed on a shift, the search shall be made in the presence of not less than two other persons so employed or about to be so employed;

(c) in making the search the searcher shall observe the proprieties and shall cause to the person being searched no more inconvenience than may be necessary for the purpose of making an efficient search;

(d) the searcher shall—

(i) feel for any such article as is mentioned in subsection (1) of the said section sixty-six of the Act by handling the clothing of the person being searched (including the inside of any pockets), and, if after so doing he has reason to believe or suspect that any such article is in the possession of that person, examine that clothing;

(ii) examine any other article which that person has with him.

2. (Revocation of Order of 21st May, 1912.)

3. (1) The Interpretation Act, 1889, shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

(2) This order shall come into operation at the commencement of the Act and may be cited as the Mines (Manner of Search for Smoking Materials) Order, 1956.

4. NOTIFICATION OF DANGEROUS OCCURRENCES

(Section 117)

Order dated 22nd December, 1906 (S.R. & O. 1906 No. 934) made under Section 5 of the Notices of Accidents Act, 1906, and preserved by Section 191 (1) (c) of the Mines and Quarries Act, 1954.

Under this order the provisions of the said Act requiring notice of accidents in mines . . . to be given to an inspector were extended to the following classes of occurrences, whether personal injury or disablement is caused or not—

all cases of ignition of gas or dust below ground other than ignitions of gas in a safety lamp;

all cases of fire below ground;

all cases of breakage of ropes, chains, or other gear by which men are lowered or raised;

all cases of overwinding cages while men are being lowered or raised;

all cases of inrush of water from old workings.

5. THE MINES AND QUARRIES (REFERENCE) RULES, 1956

(S.I. 1956 No. 1784)

Made under Section 170 of the Mines and Quarries Act, 1954 with effect from 1st January, 1957.

Form and service of counter-notice

1. Every counter-notice served by a person (hereinafter referred to as an "objector") under subsection (2) of section one hundred and seventy of the Act (being a counter-notice demanding a reference upon a notice served by an inspector on him) shall—

(a) be in the form specified in the first schedule to these rules or as near thereto as circumstances will admit; and

(b) be served in duplicate on the inspector who served the notice upon which a reference is demanded (that inspector being hereinafter referred to as "the inspector") within the period of twenty-one days from the date of service of that notice;

and in these rules "counter-notice" means a counter-notice which complies with the requirements of this rule.

Application for selection of referee

2. Every inspector on whom has been served a counter-notice shall, as soon as may be and in any event within the period of twenty-one days from the date

of service thereof, apply to the nominated selector for the selection of a referee and forward with the said application a copy of that counter-notice and a copy of the notice upon which a reference is demanded.

Statement of grounds of objection

3. (1) Every objector shall serve in duplicate upon the inspector a statement specifying every ground of objection to the notice upon which a reference is demanded, being a relevant ground of objection for the purposes of subsection (4) of the said section one hundred and seventy of the Act, and the facts and contentions relied on in support of that ground (that statement being hereinafter referred to as "the objection statement").

(2) Every objection statement shall be served upon the inspector within the period of twenty-one days from the date of service of the relevant notice or within such longer period (if any) as may be agreed or ordered under rule fourteen.

(3) In any case in which the inspector is of opinion that the service of an objection statement is unnecessary for the purposes of the reference he shall serve on the objector a notice to that effect and the preceding provisions of this rule shall not apply to that reference.

Reply to objection statement

4. (1) Every inspector upon whom in pursuance of paragraph (2) of rule three an objection statement has been served shall serve upon the objector a statement (hereinafter referred to as "the reply") specifying the facts and contentions relied on in rebuttal of the objection statement.

(2) Every reply shall be served upon the objector as soon as may be after service of the relevant objection statement and in any event either within the period of twenty-one days from the date of that service or within such longer period (if any) as may be agreed or ordered under rule fourteen.

Appointment of referee and notification to parties to reference

5. In every case in which the nominated selector selects two or more persons to be referee on a reference he shall appoint one of them to preside over the reference.

6. Forthwith after the appointment of a referee on any reference the nominated selector shall notify the parties to that reference of the referee's name and address.

Furnishing of documents to the referee

7. Forthwith after—

(a) the service of a notice in pursuance of paragraph (3) of rule three or the service of the reply in pursuance of paragraph (2) of rule four; or

(b) receipt of the notification of the name and address of the referee;

(whichever of (a) and (b) is the later) the inspector shall send to the referee a copy of the notice served by him in pursuance of paragraph (3) of rule three or a copy of the objection statement and a copy of the reply, as the case may be.

Hearing of reference

8. (1) Without prejudice to the provisions of paragraph (a) of rule eleven, as soon as may be after rule seven has been complied with the referee shall determine a date, time and place for the hearing of the reference and notify the parties to the reference of the date, time and place so determined and may notify, or require any party to the reference to notify, in such manner as he thinks fit, the date, time and place so determined to any person appearing to him to be affected by the notice upon which a reference has been demanded or any association or body representative of any such person.

(2) Forthwith after any party to the reference, being the owner or manager of the relevant mine or the owner or a manager of the relevant quarry (as the case may be), has been notified in pursuance of paragraph (1) of this rule, that party shall take such steps as may be necessary to secure that notice of the date, time and place so notified is kept posted at that mine or quarry at all times at which persons are employed thereat during the period until the quashing or confirmation of the notice upon which a reference has been demanded, in such characters and in such positions as to be easily seen and read by the persons employed thereat, and in the form specified in the second schedule to these rules or as near thereto as circumstances will admit.

9. No objector shall (except in a case in which a notice under paragraph (3) of rule three has been served on him), on the hearing of a reference, be entitled without the consent of the referee to raise, or adduce evidence with respect to, any ground of objection to the relevant notice other than a ground of objection specified in the relevant objection statement.

10. In every case in which the nominated selector has selected two or more persons to be referee on a reference—

- (a) every decision on the reference of a majority of those persons present and voting shall be the decision of the referee;
- (b) in any case in which on the reference the votes of those persons present and voting are equally divided, the person presiding over the reference shall have a second or casting vote.

Powers of the referee

11. The referee shall, for the purposes of any reference, have power—

- (a) to dispose of any outstanding matter on the reference and in particular any matter in any case in which any party to the reference has failed to comply with any of the preceding rules or in which any party to the reference fails to appear at the hearing;
- (b) to enter and inspect any mine or quarry affected by the relevant notice;
- (c) (so far as appears to him to be reasonable having regard to the desirability of quashing or confirming the relevant notice as soon as may be) to adjourn the reference from time to time and from place to place; and
- (d) subject to the provisions of the Act and of these rules, to regulate the procedure on the reference.

Payment of costs

12. The referee may make such orders as he thinks fit respecting the payment of the costs of the reference (including the payment of his remuneration and allowances).

Remuneration of the referee

13. The amount of the remuneration and allowances to be paid to a referee upon a reference shall be determined by the Minister with the approval of the Treasury.

Extensions of time

14. (1) In any case in which provision is made in these rules for such extension of any period of time as may be agreed or ordered under this rule, the period specified in that provision may, upon the application of any party to the reference, be extended—

(a) by agreement in writing by the other party or parties (as the case may be) to the reference; or

(b) in default of such agreement—

(i) (in any case in which application for the extension is made before the appointment of a referee) by order of the nominated selector;

(ii) (in any other case) by order of the referee.

(2) Every application for an extension of time shall be made in writing by the person seeking the extension to the person or persons empowered at the time of the making of that application to agree to or order that extension, and any such agreement or order may be reached or made although the application for the same is not made until after the expiration of the period of time in relation to which an extension is sought.

Interpretation

15. (1) In these rules the following expressions have the meanings hereby respectively assigned to them, that is to say—

“the Act” means the Mines and Quarries Act, 1954;

“counter-notice” has the meaning assigned thereto in rule one;

“inspector” has the meaning assigned thereto in rule one;

“objection statement” has the meaning assigned thereto in rule three;

“objector” has the meaning assigned thereto in rule one;

“parties to the reference” means, in relation to any reference, the inspector who served the relevant notice and the person or persons who served the relevant counter-notice or counter-notices (as the case may be);

“referee” means, in relation to any reference, the person or persons to whom a notice stands referred in pursuance of a selection or direction by the nominated selector under subsection (2) of section one hundred and seventy of the Act;

“reference” means a reference under section one hundred and seventy of the Act; and

“reply” has the meaning assigned thereto in rule four.

(2) Expressions to which meanings are assigned by the Act or by these rules shall (unless the contrary intention appears) have the same meanings in any document issued under the provisions of these rules.

(3) The Interpretation Act, 1889, shall apply to the interpretation of these rules as it applies to the interpretation of an Act of Parliament.

Commencement and citation

16. These rules shall come into operation at the commencement of the Act and may be cited as the Mines and Quarries (References) Rules, 1956.

FIRST SCHEDULE (Rule 1)

MINES AND QUARRIES ACT, 1954.

THE MINES AND QUARRIES (REFERENCES) RULES, 1956.

**COUNTER-NOTICE
DEMANDING A REFERENCE UPON A NOTICE**

**IN THE MATTER OF
THE MINES AND QUARRIES
ACT, 1954, AND IN THE
MATTER of a question
BETWEEN (Name of objector).....**

Objector

and

(Name of inspector)..... Inspector

To the inspector

TAKE NOTICE that the above-named objector being $\left\{ \begin{array}{l} \text{the owner} \\ \text{the manager} \\ \text{a manager} \end{array} \right\}^*$ of $\left\{ \begin{array}{l} \text{mine} \\ \text{quarry} \end{array} \right\}^*$ in pursuance of subsection (2) of section one hundred and seventy of the Mines and Quarries Act, 1954, hereby demands a reference upon a notice relating to that

$\left\{ \begin{array}{l} \text{mine} \\ \text{quarry} \end{array} \right\}^*$ served under + upon him by the above-named inspector on the day of 19 , being a notice to which apply the provisions of Part XV of the said Act with respect to references upon notices.

The address for service of the objector is

Dated 19 ..

(Signed)

* Delete as inapplicable.

† Insert number of the section of the Act or title of the regulations and number of the regulation (as the case may be) under which notice was served.

SECOND SCHEDULE (Rule 8)

MINES AND QUARRIES ACT, 1954.

THE MINES AND QUARRIES (REFERENCES) RULES, 1956.

NOTICE

OF REFERENCE UPON A NOTICE SERVED BY AN INSPECTOR
IN THE MATTER OF
THE MINES AND QUARRIES
ACT, 1954, AND IN THE
MATTER of a question
BETWEEN (Name of objector).....Objector
and
(Name of inspector).....Inspector

TAKE NOTICE:—

(1) THAT the above-named objector, being $\left\{ \begin{array}{l} \text{the owner} \\ \text{the manager} \\ \text{a manager} \end{array} \right\}^*$ of.....
..... $\left\{ \begin{array}{l} \text{mine} \\ \text{quarry} \end{array} \right\}^*$ in pursuance of subsection (2)
of section one hundred and seventy of the Mines and Quarries Act, 1954, has
demanded a reference upon a notice relating to that $\left\{ \begin{array}{l} \text{mine} \\ \text{quarry} \end{array} \right\}^*$ served under
.....† upon him by the above-named inspector on the.....
day of.....19....., being a notice to which apply the provisions of Part
XV of the said Act with respect to references upon notices;

(2) THAT the name(s) and address(es) of the person(s) selected to be referee
on the reference $\left\{ \begin{array}{l} \text{is} \\ \text{are} \end{array} \right\}$

(3) THAT the referee has determined that the reference shall be heard on the
.....day of....., 19....., at (insert time).....
at (insert place).....

‡(4) THAT the objection statement and the reply thereto relating to the
notice upon which a reference has been demanded may be inspected at.....
.....
.....

Dated.....19.....

(Signed).....

TO ALL PERSONS AFFECTED BY THE ABOVE-MENTIONED NOTICE

* Delete as inapplicable.

† Insert number of the section of the Act or title of the regulations and number of the
regulation (as the case may be) under which notice was served.

‡ Omit paragraph in any case in which a notice has been served under paragraph (3) of
rule 3.

6. THE MINES AND QUARRIES
(DRAFT REGULATIONS) RULES, 1956
(S.I. 1956, No. 2018)

Made under the Second Schedule (Part III, paragraph 22) to the Mines and Quarries Act, 1954, with effect from 1st January, 1957.

PART I

Proceedings preliminary to inquiries

1. As soon as may be after the appointment by the Lord Chancellor of a person or persons to hold an inquiry (such a person or persons being in these rules referred to as a "tribunal") the tribunal shall publish or cause to be published in such manner as it thinks fit for the purpose of notifying persons likely to be affected by the draft regulations, and send or cause to be sent by post to the Minister and to every person who duly made an objection with respect to a provision of the draft regulations, a notice specifying—

- (a) the name of every member of the tribunal and of any person appointed to preside over the inquiry (such a person being in these rules referred to as "the president");
- (b) an address to which all communications for the tribunal shall be sent.

2. (1) The tribunal may, if it thinks fit for the purpose of facilitating the just, expeditious and economical disposal of the inquiry, include in the notice published and sent under the last preceding rule or in a notice subsequently so published and sent notice of the date on which and the place and time at which there shall be held a meeting for the purposes hereinafter specified in this rule (such a meeting and any resumed meeting after an adjournment thereof being in these rules referred to as a "meeting for directions").

(2) If a meeting for directions is so ordered, every person desiring to appear at the inquiry in pursuance of sub-paragraph (c) of paragraph eighteen of Part III of the Second Schedule to the Act shall at that meeting make application either in person or by counsel, solicitor or agent for the opinion of the tribunal or (if there are two or more members of the tribunal) of the president whether or not that person is affected by the relevant draft regulations and the opinion of the tribunal or the president (as the case may be) thereupon shall be recorded by the tribunal and announced to the applicant.

(3) Any person entitled to appear at an inquiry in pursuance of paragraph eighteen of Part III of the Second Schedule to the Act may, either in person or by counsel, solicitor or agent, make such representations to the tribunal at the relevant meeting for directions as he thinks fit relating to the directions to be given by the tribunal in pursuance of paragraph (4) of this rule.

(4) At any meeting for directions, the tribunal may give such directions as to the future course of the inquiry as appear best adapted to secure the purposes aforesaid and in particular, but without prejudice to the generality thereof—

- (a) the tribunal may direct that evidence of any fact or opinion shall be given at the inquiry in such manner as may be specified by the direction;

- (b) the tribunal may direct that any person entitled to appear at the inquiry who desires to produce thereat any plans, photographs, models, statistics or results of experiments shall, not later than ten days before the inquiry, afford to every other person so entitled an opportunity of inspecting those plans, photographs, models or documents or a copy thereof and of agreeing to the admission thereof at the inquiry without further proof;
- (c) the tribunal shall endeavour to secure that the persons entitled to appear at the inquiry make all admissions for the purposes of the inquiry and all agreements as to the conduct thereof which ought reasonably to be made by them;
- (d) the tribunal may give such directions as it thinks necessary or expedient as to the order in which objections or representations shall be considered at the inquiry and as to the order in which persons appearing at the inquiry shall be heard; and
- (e) the tribunal may direct the date on which and time at which the inquiry shall be held.

3. In any case in which a meeting for directions is not ordered by the tribunal, it shall publish or cause to be published in such manner as it thinks fit for the purpose of notifying persons likely to be affected by the draft regulations and send or cause to be sent by post to the Minister and to every person who duly made an objection with respect to a provision of the draft regulations, a notice specifying the date on which and time at which the inquiry shall be held.

PART II

Inquiries

4. At and for the purposes of every inquiry—

- (a) the tribunal may enter and inspect any premises occupied by any person entitled to appear at the inquiry, being premises which would be affected by the relevant draft regulations (if made);
- (b) the tribunal may vary or revoke any order made or direction given by it at the relevant meeting for directions and may (so far as appears to it to be appropriate) make any order or give any direction which it could have made or given at such a meeting;
- (c) the tribunal may (so far as appears to it to be reasonable having regard to the desirability of making a report to the Minister as soon as may be) adjourn the inquiry from time to time; and
- (d) subject to the provisions of the Act and of these rules, the tribunal may regulate the procedure at the inquiry.

5. No person shall at an inquiry be entitled without the consent of the tribunal—

- (a) to raise, or adduce evidence relating to, any ground of objection not specifically stated in an objection duly made with respect to a provision of the relevant draft regulations; or
- (b) to ask for, or adduce evidence relating to, any omission, addition or modification not asked for in such an objection.

6. In every case in which the Lord Chancellor has appointed a tribunal consisting of two or more persons—

- (a) every decision of a majority of those persons present and voting shall be the decision of the tribunal;
- (b) in any case in which the votes of those persons present and voting are equally divided, the president shall have a second or casting vote.

PART III

General

Interpretation

7. (1) In these rules the following expressions have the meanings hereby respectively assigned to them, that is to say—

“the Act” means the Mines and Quarries Act, 1954;

“inquiry” means an inquiry under Part III of the Second Schedule to the Act;

“meeting for directions” has the meaning assigned thereto in rule two;

“president” has the meaning assigned thereto in rule one;

“tribunal” has the meaning assigned thereto in rule one.

(2) Expressions to which meanings are assigned by the Act or by these rules shall (unless the contrary intention appears) have the same meanings in any document issued under the provisions of these rules.

(3) The Interpretation Act, 1889 (b), shall apply to the interpretation of these rules as it applies to the interpretation of an Act of Parliament.

Application to Scotland

8. Where any draft regulations referred for inquiry and report apply to Scotland only, for references in these rules to the Lord Chancellor there shall be substituted references to the Lord President of the Court of Session.

Commencement and citation

9. These rules shall come into operation at the commencement of the Act and may be cited as the Mines and Quarries (Draft Regulations) Rules, 1956.

APPENDIX 1

MEMORANDUM ON THE STORAGE OF EXPLOSIVES AT MINES

1. Under the Mines and Quarries Act, 1954, all explosives used at a mine to which the Act applies must be provided by the owner of the mine and a suitable place above ground must be provided for the storage of the explosive. A suitable place has also to be provided conveniently near the entrance of the mine, for the storage of the unused explosive which the workmen are required to bring out at the end of each shift. The storage place should be at a safe distance from a shaft, engine-house or other vital point.

2. In making provision for the storage of explosive, the mine owner or manager has to comply with the requirements of the Explosives Acts, 1875 and 1923, and the orders made under those Acts*, and this memorandum is designed to explain briefly the nature of those requirements and the methods by which the storage accommodation required can be provided to suit the varying circumstances of different mines.

There are three ways in which explosive in sufficient quantity for mining purposes may be kept—

- (a) In premises registered with the Local Authority.†
- (b) In a “store” licensed by the Local Authority.†
- (c) In a magazine licensed by the Secretary of State.

3. Method (a) can be adopted where small quantities of explosive only are in store at any one time, and is often a suitable way of providing storage for unused explosive brought out of the mine when the main store is not conveniently near the mine entrance. The amount of explosive kept in this way must not exceed 200 lb. of gunpowder, or 60 lb. of other explosive or of mixed explosives. The conditions to be observed are contained in Section 22 of the Act and Order in Council No. 16 which should be consulted, but the main provisions are as follows—

The place of storage must be registered with the Local Authority and (if explosive other than gunpowder is kept) the manager or other responsible person having charge of the premises must hold a certificate from the Police that he is a fit person to keep the explosives.

The storage place must be a building substantially constructed of brick, stone, iron or concrete or an excavation made in solid rock, earth, or mine refuse not liable to ignition. It must be entirely appropriated‡ to the keeping of explosive and must be detached from a dwelling-house. It must also be situated at a safe distance (say 15 yards, or less if suitable protection intervenes) from any highway, street, public thoroughfare or public place, but there are no further requirements as to the distances to be maintained between the storage place and other buildings and works in the vicinity.

The precautions mentioned in paragraphs (vii), (x) and (xii) of the summary of main requirements as to licensed stores given at the end of this memorandum must be observed.

4. Method (b) provides for larger quantities, and includes five different kinds of “Stores”, named Divisions A, B, C, D and E. The quantity of explosive that may be kept in each class of store is as follows—

* It should be noted that for the purposes of the Explosives Acts the term “explosive” includes detonators; for the purposes of special regulations under No. 30 of the Miscellaneous Mines (General) Regulations, 1956, it does not.

† See note on Local Authorities on page 134.

‡ Very small quantities, however, viz., up to 50 lb. of gunpowder or 15 lb. of other explosive or of mixed explosives, may be kept in a building not so appropriated, provided they are kept in a substantial receptacle properly closed and secured and exclusively appropriated to the purpose.

Division A	150lb. of general explosive*		
„ B	300lb.	„	„
„ C	1,000lb.	„	„
„ D	2,000lb.	„	„
„ E	4,000lb.	„	„

The conditions which apply to these stores are contained in Order in Council No. 6 of 27 November, 1875, as amended by the Store for Explosives Order, 1951, No. 1163, and a summary of them is given at the end of this memorandum.

5. The most important requirements which mine owners have to consider is that which provides that all stores shall be placed at certain distances from other buildings and works. An important modification in these distances, however, is often of material assistance to mine owners in cases where the surface space at the mine is restricted. By the Stores for Explosives Order, 1951 it is provided that in the case of stores licensed before 1 July, 1952, the distances may, in the case of a store of Divisions C, D and E, be reduced by half provided the protected work is in the occupation of the licensee and is completely screened from the store by a natural or artificial mound of earth, or other suitable material not less than three feet thick at the height of the eaves of the store. Further, it is provided by the same Order, that the distance between a store in any of the four divisions and a mineral railway or private railway or tramway line worked by the occupier need not be more than 75 feet, if the door or doors of the store be closed and secured when and so long as any locomotive driven by steam is within 150 feet of the store.

6. In cases where larger quantities than those mentioned above are required or where, owing to special local circumstances, it is impracticable to find a suitable place for a store, it will be necessary to provide a magazine under licence of the Secretary of State (i.e. Method (c)). In the first instance, it is advisable to communicate with Her Majesty's Inspectors of Explosives, Home Office, London, S.W.1, who will be prepared to consider the special requirements of each case and to recommend such conditions to suit the circumstances as may safely be entertained. The quantity of explosive that may be kept in a magazine is limited only by the provisions of the licence.

Workmen's canisters may be filled and kept in any place of storage provided as above.

LOCAL AUTHORITIES

England and Wales

The Town Council is the Local Authority in any—

- (a) County Borough.
- (b) Quarter Sessions Borough (other than a County Borough) having over 10,000 inhabitants according to the Census of 1881.
- (c) Borough having over 10,000 inhabitants according to the Census of 1881, for which a special Order has been made under Section 68 of the Explosives Act.

Elsewhere the Local Authority is the County Council which has, however, a power of delegation under the Act to—

* General Explosive means an explosive of Classes 1, 2, 3 and 4 and of the 2nd and 3rd Divisions of Class 6 of the Home Office list of Authorised Explosives published by H.M.S.O.

- (a) a Committee of its own body;
- (b) an Urban or Rural District Council;
- (c) the Justices in Petty Sessions.

The Councils of County Boroughs have the same power of delegation as County Councils.

Scotland

In any Royal or Parliamentary Burgh the Local Authority is the Magistrates and Town Council.

Elsewhere the Local Authority is the County Council which has, however, power of delegation to a joint Committee of its own body and of any Town Councils within the County.

In Duns and Govan, for which a special Order has been made under Section 112 of the Act, the Police Commissioners are the Local Authority.

SUMMARY OF THE MAIN REQUIREMENTS AS TO LICENSED STORES

- (i) The store must be licensed by the Local Authority, in the name of the occupier, for mixed explosives.
- (ii) The licence must be renewed annually.
- (iii) The store must not be situated below ground in any mine, quarry or tunnel, or other underground place in which any persons are employed, or in any place opening into, from, or out of such mine, quarry, tunnel or underground place, or in communication therewith.
- (iv) All buildings and places adjoining each other and occupied together are deemed to be one store, and must accordingly be included in one licence.
- (v) The following distances must be maintained from the store :

<i>Protected Works of Class 1</i>	<i>Protected Works of Class 2</i>
Dwelling-house.	Dwelling-house.
Shop.	Shop.
Room, of any kind.	Room, of any kind.
Workshop, of any kind.	Workshop, of any kind.
*Mineral or private railway, whether or not worked by steam.	Railway, whether or not worked by steam.
Furnace or kiln or fire.	Furnace or kiln or fire.
Magazine for explosive.	Magazine for explosive.
Store for explosive.	Store for explosive.
Registered premises.	Registered premises.
Highway, public footpath, or promenade or open place of resort for the public, or for persons engaged in any trade or business.	Factory of any kind.
Canal or navigable water.	Buildings in care of Minister of Works.
Dock, river-wall or sea-wall.	Place of public worship.
Pier or jetty.	Educational establishments.
Reservoir.	Hospital or like institution.
	Court of Justice.
	Theatre, cinema, covered market or other covered buildings where persons are accustomed to assemble.
	Government or local government buildings.

In occupation of licensee,
or with consent in writing
of occupier.

Without the consent of
the occupier.

* The store shall not be required to maintain a greater distance than 75 feet from a mineral or private railway worked by the licensee, provided that the door or doors of the said store be kept closed and secured when and so long as any locomotive driven by steam is within a distance of 150 feet of the store. "Mineral or private railway" includes a tramway or incline. (Statutory Instrument, 1951, No. 1163).

Store belonging to	Distances from Protected Works of Class 1*	Distances from Protected Works of Class 2
Division A . .	75 feet	85 feet
Division B . .	75 feet	130 feet
*Division C . .	146 feet	292 feet
*Division D . .	230 feet	460 feet
*Division E . .	352 feet	704 feet

(vi) Detonators must be kept effectively separated from other explosive. If a considerable quantity of detonators is required they may be kept in an annexe to the store which will be regarded as part of the store (the annexe should be of the same construction as the store and at least a few feet away from it); or in a place registered in accordance with the method first mentioned in the memorandum (the mine office may be registered for the purpose if the gross weight of the detonators does not exceed 15 lb. and the detonators are kept in a locked box or drawer exclusively appropriated to the purpose; see footnote on page 133). For a few hundred detonators, however, a cupboard in the porch of the store, so arranged that it cannot be opened unless the inner door of the store is closed, may be allowed. For weights of detonators, see table at the end of this summary.

(vii) When any explosive which is liable to be dangerously affected by water is kept, due precautions must be taken to exclude water from the store. This applies specially to ordinary dynamite, which is now seldom used. It is very necessary, however, to keep all explosives and detonators dry, or loss of efficiency and miss-fires will probably result.

(viii) The store must be well and substantially built of brick, stone, iron, steel or concrete, or excavated in solid rock, earth or mine refuse not liable to ignition, and so made and closed as to prevent unauthorised persons having access thereto, and to secure it from danger from without. Its construction must also be substantial and such as to render it not liable to unlawful entry, or to danger from accident or from evilly disposed persons; accordingly, it should be provided with good doors, and all ventilators, windows, keyholes, and other openings should be so closed or protected as to satisfy all reasonable requirements of security.

(ix) If licensed under Divisions C or D, and made otherwise than by excavation, the store must have attached a sufficient lightning conductor.

(x) The interior of the store, and the benches, shelves and fittings therein must be so constructed or so lined or covered as to prevent the exposure of any iron or steel, and the detaching of any grit, iron, steel or similar substance in such manner as to come into contact with the explosive. This provision can best be complied with by lining the store with wood or other suitable material. A wooden lining will be easier to keep clean if painted or varnished, and will last much longer if the planks are thus treated on both sides before being placed in position. The floor must be of wood or asphalt free from grit. Nails should be preferably of copper, brass or zinc; but if

* In the case of stores licensed before 1 July, 1952, when the "protected work" is in the occupation of the licensee, and is completely screened from the store by a natural or artificial mound of earth or other suitable material not less than three feet thick at the height of the eaves of the store, the distances may be reduced by one-half. (Statutory Instrument, 1951, No. 1163).

iron nails are used, they should be countersunk and puttied over. All exposed iron-work, in the building should be efficiently covered with wood, leather or zinc, or should be thickly painted.

(xi) All tools and implements used in the store must be of wood, copper, brass or some soft metal or material, or be covered with some safe and suitable material.

(xii) The interior, benches, shelves and fittings of the store must, so far as is reasonably practicable, be kept free from grit and otherwise clean.

(xiii) Due provision must be made by the use of suitable shoes or otherwise for preventing the introduction into the store of grit or of any exposed iron or steel. At every store there should be a visible boundary, formed by a step or by a vertical "footboard" (about four inches high), or otherwise, beyond which dirty or iron-nailed boots should never pass, except directly into over-boots of leather, rubber or other suitable material made without any iron; and these over-boots should in their turn never be placed outside the "clean" boundary (the word "clean" being here used in a technical sense, implying the exclusion of all grit), or be deposited where they can take up grit. Over-boots made very large (so as easily to take in the whole boot and lower part of the trousers) are more convenient than those which necessitate removing the ordinary boots, or which entail trouble and delay in putting on.

(xiv) Due provision must be made by the use of suitable working clothes without pockets, searching, or by some of such means for preventing the introduction into the store of fire, matches, or any substance or article likely to cause explosion or fire, or any iron, or steel, or grit. (N.B.—The use of an artificial light of such construction, position or character as not to cause any danger of fire or explosion is permitted, e.g., an approved electric safety-lamp or fixed electric lights of a type approved under the Coal and Other Mines (Safety Lamps and Lighting) Regulations, 1956, or where the presence of inflammable liquid or gas is not involved, dust-tight electrical installations which conform to the Home Office specification may be used—see paragraph 3 (b) of the Home Office memorandum on Electric Light and Power in Factories and Magazines for Explosives).

This important provision can best be satisfied by requiring the storekeeper to wear a pocketless magazine suit, and forbidding other persons to enter. But as this is not always practicable or convenient, the storekeeper should be required not only habitually to search his own pockets, but also the pockets of any other persons who may enter the store, in order to detect and remove therefrom any dangerous articles, among which may be included a pipe, as this is sometimes placed in the pocket before it has been properly extinguished.

(xv) No person may smoke in any part of the store.

(xvi) No person under the age of 16 may be employed in or enter the store except in the presence and under the supervision of some person of the age of 21 or upwards, and no person under the age of 16 may be employed in the store.

(xvii) No repairs are to be executed to or in any part of the store, except after the store has, so far as is practicable, been cleaned by the removal of all explosive and the thorough washing out of the store.

(xviii) The store is to be used only for the keeping of explosive and receptacles, tools or implements for work connected with the keeping of such explosive.

(xix) A warning notice to trespassers must be kept conspicuously posted up.

Weights of Detonators

Size of Detonator	Gross Weight per 1,000 Detonators	Remarks
No.	lb.	
3	3.19	
3a	3.31	
4	3.62	
5	4.23	
6	4.95	
6½	5.50	
7	7.06	
8	8.66	
9	9.76	
10	10.86	
		Not much used
		Common sizes
		Not much used

APPENDIX 2

LIST OF PROVISIONS WHICH EXPRESSLY PROVIDE THAT A PERSON IS GUILTY OF AN OFFENCE (SECTION 152 (1))

Section	Subject	Page
65 (1)	Damaging, destroying or losing a safety-lamp or allowing it to be damaged, destroyed or lost	38
65 (2)	Tampering with a safety-lamps	38
66 (1) & (3)	Having a cigar or cigarette, a pipe or other contrivance for smoking, or a match or mechanical lighter in or when about to go into a safety-lamp mine or safety-lamp part of a mine	39
66 (6)	Refusal to allow searching	39
89	Contravention of certain rules and directions made or given by the owner or manager	50
90 (1)	Negligent or wilful acts or omissions likely to endanger the safety of the mine or the safety or health of persons thereat	51
90 (2)	Removal or alteration of, or tampering with, anything provided for securing the safety or health of persons employed	51
116 (3)	Failure of actual employer, who is not the owner, to report an accident to the responsible person	53
145 (2)	Offences in relation to the powers and duties of Inspectors .	66
153	Inducing or procuring, or consenting to or conniving at, the commission of an offence under the Act	72
160	Liability of the parent for the employment of a young person in contravention of the Act	74
161 (1)	Forgery of certificates, or the making of false statements etc.	74
162	Removal of, injury to, or defacement of a notice or of a document in the accommodation provided in pursuance of Section 135	75

APPENDIX 3

REFERENCES UPON NOTICES SERVED BY INSPECTORS: MATTERS TO WHICH PROVISIONS OF SECTION 170 OF THE ACT APPLY

Section	Subject	Page
34	Elimination of a sudden change of direction, height, width or gradient in a length of road of a specified kind	23
35	Increase in height or width of a length of road of a specified kind	23
37	Amendment of transport rules	25
54	Amendment of support rules	32
57	Improvement of ventilation	35
62	Use of permitted lights in a mine first opened before the commencement of the Act in which inflammable gas is known to have been present during the preceding five years	37
68	Prohibition or restriction on use of electricity below ground	40
78	Steps to deal with danger of an inrush of gas or of water or material that flows when wet	46
168	Objection to parts of mine being worked as separate mines	77

APPENDIX 4

LIST OF M. & Q. FORMS RELATING TO MINES OTHER THAN OF COAL, STRATIFIED IRONSTONE, SHALE AND FIRECLAY

(Note—If an existing form is still current, its number is given in brackets—see paragraph 8 of the Introduction to this volume.)

Notices	M. & Q. Form No.
Notification to District Inspector of appointment by mine owner (Section 15)	201
Notice of accident or dangerous occurrence (Sections 116 and 117)	206 (21)
Notice fixing periods of employment and intervals allowed for meals or rest for women and young persons (Section 128)	208
Notice for giving (a) name of mine, name and address of owner, name of manager; (b) name and address of Inspector for the District; (c) situation of covered accommodation required by Section 135 (Section 136)	204
Notification of beginning or ending of certain mining operations (Section 139) or of change of ownership of name of a mine (Section 140)	212 (116)
Notice of results of proceedings (Section 165)	209 (33)

Report books and Registers

(1) Required by Mines and Quarries Act, 1954

Reports of withdrawal of persons employed in cases of danger (Section 79)

210

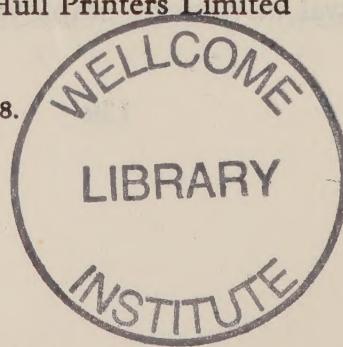
Report books and Registers

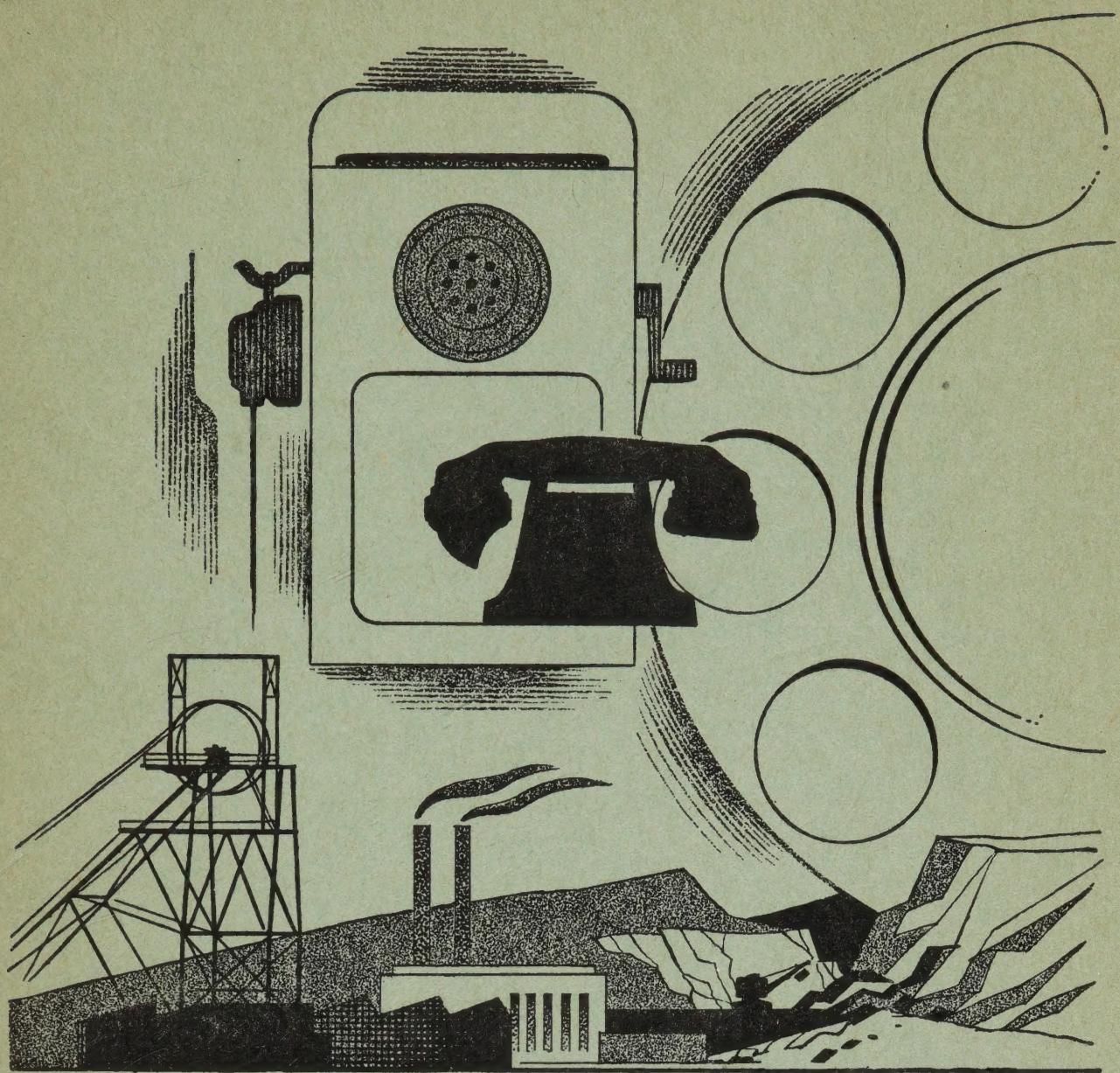
Reports of inspections on behalf of workmen (Section 123)	216
Register of women and young persons employed (Section 131) including certificates of fitness for employment of young persons under 16 years of age required by No. 70 of the Miscellaneous Mines (General) Regulations, 1956	220 (20B)
(2) <i>Required by the Miscellaneous Mines (General) Regulations, 1956</i>	
Reports of inspections during mineral-getting shifts and days (Regn. 4 (a))	244 (117)
Reports of inspections of shafts, staple-pits and unwalkable outlets used for ingress or egress (Regn. 5)	245 (119)
Reports of inspections of accessible parts of airways (Regn. 6 (2))	246 (121)
Reports of weekly examinations of certain machinery and apparatus (Regn. 38)	247 (120)
Reports of examinations of winding or haulage apparatus in a shaft, staple-pit or unwalkable outlet (Regn. 39)	248 (118)
Reports of thorough examinations of apparatus provided for attaching to the rope a cage, etc., in a shaft, staple-pit or unwalkable outlet (Regn. 40 (1))	249
Reports of thorough examinations of winding ropes (Regn. 43)	250
Reports of examinations of lengths of rope cut off when recapping (Regn. 47 (2))	251
Reports of examinations of lifting machines (Regn. 51)	252 (123)
Reports of internal examinations of steam boilers (Regn. 56 (1) (a))	253
Reports of 14-monthly thorough examinations of steam boilers when cold (Regn. 56 (1) (b))	254 (110)
Reports of examinations of steam boilers under normal steam pressure (Regn. 56 (1) (b))	255 (110A)
Reports of examinations of economisers when cold (Regn. 56 (1) (b))	256 (111)
Reports of examinations of superheaters when cold (Regn. 56 (1) (b))	257 (112)
Reports of thorough examinations of air receivers (Regn. 60 (1))	258 (109)
Supplementary reports of examinations of air receivers under normal pressure (Regn. 60 (1))	259 (109A)
(3) <i>Required by the Miscellaneous Mines (Electricity) Regulations, 1956</i>	
Reports of tests of electrical apparatus	262 (124)

Miscellaneous forms

First aid leaflet	264 (99)
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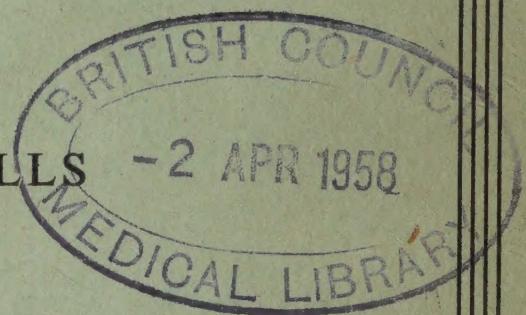
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